SENATE

MONDAY, AUGUST 2, 1954

(Legislative day of Friday, July 2, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Maj. Robert D. Coward, chaplain, United States Air Force, Bolling Air Force Base, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, we invoke Thy divine blessing upon this session, as the honorable Senators of our United States accept herein the adventure and challenge of this new day. Bring us to this hour conscious of the prayers which were offered in our behalf this past weekend within the homes and churches of our land. Find us grateful for a people who thus support us as we deliberate and decree on what is best for our great Nation.

Most heartily we beseech Thee to grant Thy guidance unto our esteemed President, to all others in authority, and to the people who trust our leadership. To this end, grant loyalty and courage to the men and women who serve with our Armed Forces at home and abroad. Keep us mindful of the sacrifices many of them are making that our own defenses, and our aid to peace-loving nations, may be adequate. Inspire us with the deep values of our national heritage. Imbue us all with the spirit of wisdom, goodness, and truth; and so rule our hearts and bless our endeavors that good will, justice, and peace may everywhere prevail, to the honor of Thy holy name, through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, July 31, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 30, 1954, the President had approved and signed the act (S. 252) to permit all civil actions against the United States for recovery of taxes erroneously or illegally assessed or collected to be brought in the district courts with right of trial by jury.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Goldwater	McCarthy
Anderson	Gore	McClellan
Barrett	Green	Millikin
Beall	Hayden	Monroney
Bennett	Hendrickson	Morse
Bricker	Hennings	Mundt
Bridges	Hickenlooper	Murray
Burke	Hill	Neely
Bush	Holland	Pastore
Butler	Humphrey	Payne
Byrd	Ives	Potter
Capehart	Jackson	Purtell
Carlson	Jenner	Robertson
Case	Johnson, Colo.	Russell
Chavez	Johnson, Tex.	Saltonstall
Clements	Johnston, S. C.	Schoeppel
Cooper	Kennedy	Smathers
Cordon	Kerr	Smith, Maine
Crippa	Kilgore	Smith, N. J.
Daniel	Knowland	Sparkman
Dirksen	Kuchel	Stennis
Douglas	Langer	Symington
Duff	Lehman	Thye
Dworshak	Lennon	Upton
Ellender	Long	Watkins
Ervin	Magnuson	Welker
Flanders	Malone	Wiley
Frear	Mansfield	Williams
Fulbright	Martin	Young
George	Maybank	
Gillette	McCarran	

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. FERGUSON] is absent by leave of the Senate. The senior Senator from Nebraska [Mrs. BOWRING] and the junior Senator from Nebraska [Mr. REYNOLDS] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND] and the Senator from Tennessee [Mr. KEFAUVER] are absent on official business.

The PRESIDENT pro tempore. A quorum is present.

Routine business is now in order, under the 2-minute rule.

PROPOSED SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF COMMERCE (S. DOC. NO. 151)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a proposed supplemental appropriation for the Department of Commerce, in the amount of $25 million, for the fiscal year 1955, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

STEAM GENERATING PLANT AT WEST MEMPHIS, ARK.—RESOLUTION OF WEST MEMPHIS CHAMBER OF COMMERCE

Mr. FULBRIGHT. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Chamber of Commerce of West Memphis, Ark., relating to the establishment of a steam generating plant at West Memphis. On page 11219 of the RECORD, I had printed in the RECORD a resolution adopted by the Memphis Chamber of Commerce which endorsed the establishment of a steam generating plant at West Memphis. This resolution expresses the appreciation of the West Memphis Chamber of Commerce for this splendid gesture and expression of friendliness toward the people of eastern Arkansas.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

RESOLUTION BY THE WEST MEMPHIS CHAMBER OF COMMERCE IN REGARD TO ACTION OF THE BOARD OF DIRECTORS OF THE MEMPHIS CHAMBER OF COMMERCE ENDORSING THE ESTABLISHMENT OF A STEAM GENERATING PLANT AT WEST MEMPHIS, ARK.

Whereas the West Memphis Chamber of Commerce and its industrial council have worked diligently to attract industry to West Memphis; and

Whereas the proposed $107 million steam generating plant to be built at West Memphis by private enterprise under the directive of President Eisenhower to supply power to the TVA for the Atomic Energy Commission represents the greatest industrial opportunity in the history of West Memphis; and

Whereas the proposed plant and the contract for its erection have been under a bitter and unjustified attack by the advocates of TVA and as a result the people of the Memphis area have not had access to the true and complete facts of the controversy; and

Whereas notwithstanding this public attack the board of directors of the Memphis Chamber of Commerce, after careful deliberation and thorough consideration of the facts of the case, did, by unanimous action and in the true spirit of free enterprise, pass a resolution endorsing the proposed generating plant at West Memphis and expressing a spirit of true friendship and real concern for the mutual interests of the people of Memphis, West Memphis, and eastern Arkansas; and

Whereas this resolution, when brought to the attention of the general public, the President of the United States, Members of the United States Congress, and representatives of other interested governmental agencies, did have a very direct and beneficial effect on the final decision of the United States in confirming the erection of the plant; and

Whereas this splendid gesture and expression of friendliness and cooperation has served to weave even closer the bonds of understanding between the people of eastern Arkansas and the people of Memphis; and

Whereas the action of the Memphis Chamber of Commerce and its extremely beneficial effect accruing to the community of West Memphis has been thoroughly considered by this board: Therefore be it

Resolved, That we, the board of directors of the West Memphis Chamber of Commerce do hereby and herewith express the undying gratitude and deepest appreciation of the people of West Memphis and eastern Arkansas to the board of directors of the Memphis Chamber of Commerce and to the members they represent for this forthright, voluntary, and effective expression of true friendship and cooperations; be it further

Resolved, That the members of this board do hereby affix their individual signatures to this resolution and order that it be presented to the Memphis Chamber of Commerce as a perpetual and lasting reminder of our appreciation and that a copy of the resolution also become a part of the permanent records of this chamber of commerce to be preserved for all to see and remember.

W. T. Ingram, President; James Bledsoe, First Vice President; Bernie McCarley, Second Vice President; J. C. Johnson, Third Vice President; Bernie McCauley, Treasurer; Bernard High; Ray Marley; Herman Spears; J. C. Temison; Margaret Woolfolk; R. J. Pryor; C. H. Rowton; Leonard Warden; Charles J. Upton; J. W. Rich; Hugh Chalmers.

This 24th day of July 1954.

LOWERING OF RETIREMENT AGE FOR SOCIAL SECURITY BENEFITS—RESOLUTION

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted at a meeting of the Franco-American War Veterans, Inc., Department of Massachusetts, Salisbury Beach, Mass., on June 4, 1954, relating to the lowering of the retirement age for social-security benefits.

There being no objection, the resolution was ordered to lie on the table, and to be printed in the RECORD, as follows:

DEPARTMENT OF MASSACHUSETTS,
FRANCO-AMERICAN WAR VETERANS, INC.,
New Bedford, Mass., June 14, 1954.

Hon. JOHN F. KENNEDY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: The Franco-American War Veterans, Inc., Department of Massachusetts, in convention assembled at Salisbury Beach, Mass., on June 4, 1954, adopted unanimously the following resolution with a directive that a copy be sent to you:

"Whereas many veterans of World War I are between the ages of 60 and 65; and

"Whereas no national emergency exists requiring more manpower in our defense establishments: Be it

"*Resolved,* That this convention go on record as approving legislation now being considered in Washington, D. C., recommending the lowering of the retirement age for social-security benefits from 65 to 60; be it further

"*Resolved,* That copies of this resolution be forwarded to all Senators and Representatives from the Commonwealth of Massachusetts."

It is their hope that you will favor such change.

THEODORE A. COTE,
Adjutant
(For the Department).

SUGGESTION FOR MAKING BIRTHDAY OF FRANKLIN DELANO ROOSEVELT A LEGAL HOLIDAY—RESOLUTION

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the New England conference, International Association of Machinists, in session on Saturday, April 24 and Sunday, April 25, 1954, in Portsmouth, N. H., suggesting that the birthday of Franklin Delano Roosevelt be made a legal holiday.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF INTERNATIONAL ASSOCIATION OF MACHINISTS, ARSENAL LODGE, NO. 150, WATERTOWN, MASS.

LEGAL HOLIDAY FOR BIRTHDAY OF FRANKLIN DELANO ROOSEVELT

Hon. JOHN F. KENNEDY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KENNEDY: Whereas Franklin Delano Roosevelt holds a high place in the memory of the people of this country both as a friend to labor and a great humanitarian; and

Whereas this memory should be perpetuated with other great Americans and statesmen: Therefore be it

Resolved, That the New England conference, I. A. of M. take the necessary steps to effect and promote legislation to make January 30, the birthday of Franklin D. Roosevelt a national holiday in his memory.

Sponsored by Arsenal Lodge 150, IAM.

Adopted by Massachusetts State council.

Resolution adopted by New England conference of machinists in session on Saturday, April 24 and Sunday, April 25, 1954, in Portsmouth, N. H.

T. P. CHRISTI,
Recording Secretary.

CAMBRIDGE, MASS.

CODE OF PROCEDURE FOR CONGRESSIONAL COMMITTEES—RESOLUTION OF MASSACHUSETTS BAR ASSOCIATION

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Massachusetts Bar Association at their annual meeting in Swampscott, Mass., on June 26, 1954, relating to a code of procedure for congressional committees.

There being no objection, the resolution was referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

MASSACHUSETTS BAR ASSOCIATION,
Boston, June 30, 1954.

The Honorable JOHN F. KENNEDY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR KENNEDY: The members of the Massachusetts Bar Association at their annual meeting in Swampscott on June 26, 1954 adopted the following resolution:

"*Resolved,* That the Massachusetts Bar Association urge Congress to adopt a code of procedure for required use in all congressional committee hearings to which witnesses are subpenaed, and that copies of this resolution be sent to the United States Senators from Massachusetts and to the Speaker of the House of Representatives and to such other Members of Congress and such other bar associations as the executive committee may determine."

Your attention is respectfully called to the foregoing resolution in the hope that some such action as suggested may be taken promptly.

Respectfully yours,
ROBERT W. BODFISH,
President.

STATE DEPARTMENT ACADEMY FOR TRAINING DIPLOMATS—RESOLUTION

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted unanimously by the officers and members of Waltham Post 2152 of the Veterans of Foreign Wars of the United States, at the meeting held on Thursday, June 24, 1954, relating to the establishment of a State Department academy for the training of diplomats.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

The officers and members of Waltham Post 2152, Veterans of Foreign Wars of the United States, assert that the following facts and conclusions are self-evident to every intelligent citizen:

1. We win wars but lose the peace. The Second World War has been followed by international tension, expenditures of billions of dollars of American taxpayers' money to combat the menace of totalitarian communism at home and abroad, the Korean conflict, and increasing loss of freedom all over the world. Atomic war threatens. The American people ask, why? Why do we win wars but lose the peace?

2. The military victories achieved in war by our Armed Forces have been largely the result of two causes. First, the United States is the arsenal of democracy. Second, our Armed Forces have been under the command of superior leadership by qualified officers who have been properly trained. This proper training for our military leaders has been provided in important part by West Point and Annapolis.

3. The diplomatic weakness suffered in peace by our Government are demonstrated by the observation that there is less democracy in the world today than before our Armed Forces and our military leadership overcame the enemies of democracy. What has been won on the field of battle with a tremendous expenditure of blood and treasure has been lost at the conference table. Our diplomacy has failed to win the peace.

4. Our diplomacy has failed to win the peace because our diplomats have not been provided with the same advantages of full-time preparation for duties in the now all-important field of diplomacy that the diplomats of other nations have received. Our diplomats have not been given specific proper training in the knowledge necessary to getting along with other people in friendly human relations and in foreign affairs.

5. This specific proper training necessary to adequately equip our diplomats with keen political vision and absolute loyalty in exercising proficiency in representing the American people and American interests includes languages, customs, history, government, economics, and other means to sufficient knowledge, skill, and understanding in their negotiations with representatives of other countries: Therefore be it

Resolved, That our Government take an immediate forward step in the solution of the life and death problems which now beset our beloved country by the establishment of a State Department academy similar to West Point and Annapolis for the proper training of qualified leaders for our diplomatic service so that the American people will be assured of strong, intelligent, and loyal representation in the councils of the nations of the world.

ROBERT F. NICHOLS,
Commander.
JOHN J. COLEMAN,
Adjutant.

THE TAFT-HARTLEY LABOR LAW—RESOLUTIONS

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the New England Conference of Machinists, International Association of Machinists, on Saturday, April 24, and Sunday, April 25, 1954, at Portsmouth, N. H., relating to the so-called Taft-Hartley labor law.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

RESOLUTION OF INTERNATIONAL ASSOCIATION OF MACHINISTS, ARSENAL LODGE, NO. 150, WATERTOWN, MASS.

TAFT-HARTLEY LAW

Hon. JOHN F. KENNEDY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KENNEDY: Whereas the Taft-Hartley law has utterly failed as a Labor-Management Relations Act in bringing about

its heralded peace in industry, but has instead been the direct cause of much greater and more bitter industrial unrest; and has also succeeded by its illegal restrictions on the peaceful organizing activities of labor organizations in preventing hundreds of thousands of underpaid wage-earners from exercising their Constitutional rights of becoming members of a bona fide labor union of their respective choice; and

Whereas the said Taft-Hartley law by repealing the Norris-LaGuardia Act and removing that great legal protection that union men and women had in the event of a labor dispute with an employer; has set up procedure which has been and will continue to be of inestimable value to the sweatshop employers of the Nation by assisting hard-boiled management in enforcing intolerable conditions upon defenseless employees; and

Whereas the said Taft-Hartley law has successfully thwarted the efforts of the International Association of Machinists in its efforts, many times, to establish more equitable working conditions and wages for members of our craft in nonunion shops and factories, by reason that the law protects the antagonistic employer in his efforts to resist a labor union: Therefore be it

Resolved, That the New England Conference of Machinists, I. A. of M., in body assembled on Saturday, April 24, and Sunday, April 25, 1954, in Portsmouth, N. H., do hereby denounce and condemn the said Taft-Hartley law as being an unholy and immoral and degrading piece of antilabor legislation, and we also declare it to be at variance with the constitutional rights of American citizens, in their liberty of forming voluntary organizations, therefore, it should be repealed outright.

Fraternally yours,

T. P. CHRISTI,
Recording Secretary.

CAMBRIDGE, MASS.

Mr. KENNEDY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Bay State Lodge, No. 1898, of the International Association of Machinists, on Thursday, July 1, 1954, in Brighton, Mass., concerning the so-called Taft-Hartley labor law.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

BAY STATE LODGE, No. 1898, I. A. OF M.,
Brighton, Mass., July 10, 1954.

Mr. JOHN F. KENNEDY,
Senate Office Building,
Washington, D. C.

DEAR SIR: The Taft-Hartley law has utterly failed as a Labor-Management Relations Act in bringing about its heralded peace in industry, but has instead been the direct cause of much greater and more bitter industrial unrest; and has also succeeded by its illegal restrictions on peaceful organizing activities of labor organizations in preventing hundreds of thousands of underpaid wage earners from exercising their constitutional choice; and

Whereas the said Taft-Hartley law by repealing the Norris-LaGuardia Act and removing that great legal protection that union men and women had in the event of a labor dispute with an employer; has set up procedure which has been and will continue to be of inestimable value to the sweatshop employers of the Nation by assisting hard-boiled management in enforcing intolerable conditions upon defenseless employees; and

Whereas the said Taft-Hartley law has successfully thwarted the efforts of the International Association of Machinists in its efforts, many times, to establish more equitable working conditions and wages for members of our craft in nonunion shops and factories, by reason that the law protects the antagonistic employer in his efforts to resist a labor union: Therefore be it

Resolved, That Bay State Lodge, No. 1898, of the International Association of Machinists in body assembled on Thursday, July 1, 1954, in Brighton, Mass., do hereby denounce and condemn the said Taft-Hartley law as being an unholy and immoral and degrading piece of antilabor legislation, and we also declare it to be at variance with the constitutional rights of American citizens, in their liberty of forming voluntary organizations, therefore, it should be repealed outright.

Sincerely,

WALTER E. DOGGETT,
Recording Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Labor and Public Welfare, without amendment:

H. R. 8180. A bill to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers, sailors, and airmen of the United States (Rept. No. 2035); and

H. R. 9888. A bill to amend the laws granting education and training benefits to certain veterans to extend the period during which such benefits may be offered (Rept. No. 2036).

By Mr. SMITH of New Jersey, from the Committee on Labor and Public Welfare, without amendment:

H. R. 6253. A bill to amend Public Law 410, 78th Congress, with regard to compensation for overtime, Sunday, and holiday work of employees of the United States Public Health Service, Foreign Quarantine Division (Rept. No. 2037).

By Mr. MILLIKIN, from the Committee on Finance, with amendments:

H. R. 6440. A bill to amend section 345 of the Revenue Act of 1951 (Rept. No. 2038).

By Mr. AIKEN, from the Committee on Agriculture and Forestry, with an amendment:

S. 3800. A bill to amend section 6 of the act of August 30, 1890, as amended, and section 2 of the act of February 2, 1903, as amended (Rept. No. 2042).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

H. R. 6393. A bill granting the consent and approval of Congress to an interstate forest fire protection compact (Rept. No. 2043).

By Mr. JENNER, from the Committee on the Judiciary, without amendment:

H. R. 8658. A bill to amend title 18, United States Code, to provide for the punishment of persons who jump bail (Rept. No. 2041).

By Mr. LANGER, from the Committee on the Judiciary, without amendment:

S. 575. A bill for the relief of Moniek Lemberger, Frida Lemberger, and Peysach Lemberger (Rept. No. 2046);

S. 1083. A bill for the relief of Kurt Glaser (Rept. No. 2047);

S. 1291. A bill for the relief of Charalampos Socrates Iossifoglu, Nora Iossifoglu, Helen Iossifoglu, and Efrossini Iossifoglu (Rept. No. 2048);

S. 1417. A bill for the relief of Gerard Lucien Dandurand (Rept. No. 2049);

S. 1622. A bill for the relief of Constantinos Pantermalis (Rept. No. 2050);

S. 2010. A bill for the relief of Alexy W. Katyll and Ioanna Katyll (Rept. No. 2051);

S. 2056. A bill for the relief of Deborah Jordan Williams (Grace Yoko Watanabe) (Rept. No. 2052);

S. 2329. A bill for the relief of Garabed Papazian (Rept. No. 2053);

S. 2452. A bill for the relief of David Wei-Dao Lea and Julia An-Fong Wang Lea (Rept. No. 2054);

S. 2525. A bill for the relief of Lupe M. Gonzalez (Rept. No. 2055);

S. 2613. A bill for the relief of Dr. Luciano A. Legiardi-Laura (Rept. No. 2056);

S. 2640. A bill for the relief of Esther Joanne Potter (Rept. No. 2057);

S. 2646. A bill for the relief of Victoriana Areitio Berincua (Rept. No. 2058);

S. 2667. A bill for the relief of Mary George Solomon (Rept. No. 2059);

S. 2674. A bill for the relief of Moxon J. van den Abeele (Rept. No. 2060);

S. 2830. A bill for the relief of Christos Paul Zolotas (Rept. No. 2061);

S. 2840. A bill for the relief of Jonas Dercautan (Rept. No. 2062);

S. 2843. A bill for the relief of Ursula Else Boysen (Rept. No. 2063);

S. 2849. A bill for the relief of Elisa-Pompea Roppo (Elisa-Pompea Cardone) (Rept. No. 2064).

S. 2884. A bill for the relief of Sister Anna Serinzi, Sister Giuliana Paladini, Sister Iolanda Mazzocchi, and Sister Giuseppina Zanchetta (Rept. No. 2065);

S. 2887. A bill for the relief of Hon Cheun Kwan (Rept. No. 2066);

S. 2904. A bill for the relief of Jan Hajdukiewiez (Rept. No. 2067);

S. 2921. A bill for the relief of Ervin Fuchs (Rept. No. 2068);

S. 2922. A bill for the relief of Robert A. Borromeo (Rept. No. 2069);

S. 2945. A bill for the relief of Eulalio Rodriguez Vargas (Rept. No. 2093);

S. 2950. A bill for the relief of Domenico Scaramuzzino (Rept. No. 2070);

S. 2954. A bill for the relief of Christine Thum (Rept. No. 2071);

S. 2968. A bill for the relief of Franciszek Janicki and Stefania Janicki (Rept. No. 2072);

S. 2984. A bill for the relief of Roger Ouellette (Rept. No. 2073);

S. 2996. A bill for the relief of Sister Ramona Maria (Ramona E. Tombo) (Rept. No. 2074);

S. 3029. A bill for the relief of Miroslav Slovak (Rept. No. 2075);

S. 3031. A bill for the relief of Antonin Volejnicek (Rept. No. 2076);

S. 3032. A bill for the relief of Bohumil Suran (Rept. No. 2077);

S. 3055. A bill for the relief of Jan R. Cwiklinski (Rept. No. 2078);

S. 3058. A bill for the relief of certain nationals of Italy (Rept. No. 2079);

S. 3087. A bill for the relief of Peter Charles Bethel (Peter Charles Peters) (Rept. No. 2080);

S. 3094. A bill for the relief of Christa Harkrader (Rept. No. 2081);

S. 3112. A bill for the relief of Emiko Watanabe (Rept. No. 2082);

S. 3138. A bill for the relief of Wakako Niimi and her minor child, Katherine (Rept. No. 2083);

S. 3148. A bill for the relief of Francesco Pugliese (Rept. No. 2084);

S. 3150. A bill for the relief of Xanthi Georges Komporozou (Rept. No. 2085);

S. 3156. A bill for the relief of Slavoljub Djurovic and Goran Djurovic (Rept. No. 2086);

S. 3164. A bill for the relief of Rosario Estevez de Aponte (nee Frias), otherwise known as Rosario Estevez Aponte (Rept. No. 2087);

S. 3218. A bill for the relief of Maria Elena Venegas and Sarah Lucia Venegas (Rept. No. 2088);

S. 3234. A bill for the relief of Aron Klein and Zita Klein (nee Spielman) (Rept. No. 2089);

S. 3404. A bill for the relief of Anni Stroee Jacobsen (Rept. No. 2090);

S. 3415. A bill for the relief of June Rose McHenry (Rept. No. 2091);

S. 3485. A bill for the relief of Liselotta Kunze (Rept. No. 2092);

S. 3577. A bill for the relief of Miles Knezevich (Rept. No. 2182);

S. 3586. A bill for the relief of Mrs. Hildegard Simon Walley (Rept. No. 2094);

S. 3598. A bill for the relief of Eleonore Schmucker and her child (Rept. No. 2095);

S. 3769. A bill to amend section 709 of title 18, United States Code, so as to protect the name of the Federal Bureau of Investigation from commercial exploitation (Rept. No. 2096);

H. R. 669. A bill for the relief of George D. Kyminas (Rept. No. 2097);

H. R. 787. A bill for the relief of Israel Ratsprecher and Maryse Ratsprecher (Rept. No. 2098);

H. R. 803. A bill for the relief of Christakis Modinos (Rept. No. 2099);

H. R. 804. A bill for the relief of Enrichetta F. C. Meda-Novara (Rept. No. 2100);

H. R. 868. A bill for the relief of Ciriaco Catino (Rept. No. 2101);

H. R. 905. A bill for the relief of Franciszek Wolczek (Rept. No. 2102);

H. R. 950. A bill for the relief of Panoula Panagopoulos (Rept. No. 2103);

H. R. 977. A bill for the relief of Mrs. Aimee Dutour Rovzar (Rept. No. 2104);

H. R. 1171. A bill for the relief of Mrs. Wai-Jan Low Fong (Rept. No. 2105);

H. R. 1324. A bill for the relief of Georgina Chinn (Rept. No. 2106);

H. R. 1463. A bill for the relief of Ilona Elizabeth Carrier (Rept. No. 2107);

H. R. 1646. A bill for the relief of Arthur Neustadt and Mrs. Emma Neustadt (Rept. No. 2108);

H. R. 1697. A bill for the relief of Mrs. Katharina Batke (Rept. No. 2109);

H. R. 1897. A bill for the relief of Mrs. Betty E. LaMay (Rept. No. 2110);

H. R. 2051. A bill for the relief of Ivo Markulin (Rept. No. 2111);

H. R. 2359. A bill for the relief of Joseph Veich, also known as Guiseppe Veic (Rept. No. 2112);

H. R. 2635. A bill for the relief of Olga Abitia (Rept. No. 2113);

H. R. 2654. A bill for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolands Gaglianone, Maria Assunta Scaramuzzo, Franceschina Cauterucci, and Filomena Lupinacci (Rept. No. 2114);

H. R. 2793. A bill for the relief of Miyoko Nagare (Rept. No. 2115);

H. R. 2879. A bill to stay deportation proceedings on Juan Onativia (Rept. No. 2116);

H. R. 3116. A bill for the relief of Dimitra Makhavitzki (Rept. No. 2117);

H. R. 3125. A bill for the relief of Alexander Hahn and Suzanne Hahn (Rept. No. 2118);

H. R. 3344. A bill for the relief of Carmen Salvador and her daughter, Ruby Salvador (Rept. No. 2119);

H. R. 3444. A bill for the relief of Toki Yaeko (Rept. No. 2120);

H. R. 3616. A bill for the relief of Nicoletta Di Donato (Rept. No. 2121);

H. R. 3677. A bill for the relief of Sister Paolina (Angela Di Franco) (Rept. No. 2122);

H. R. 3759. A bill for the relief of Babette Mueller Esposito (Rept. No. 2123);

H. R. 3855. A bill for the relief of Sister Agrippina (Agrippina Palermo), Sister Battistina (Franceschina Serpa), Sister Romana (Angela Iolanda Morelli), Sister Franceschina (Maria Caruso), and Sister Bruna Giuseppina De Caro) (Rept. No. 2124);

H. R. 4092. A bill for the relief of Mira Tellini Napoleone (Rept. No. 2125);

H. R. 4371. A bill for the relief of June Ann Sakurai (Rept. No. 2126);

H. R. 4740. A bill for the relief of Kaoru Yoshioka (Rept. No. 2127);

H. R. 4959. A bill for the relief of Muhittin Schuer (Rept. No. 2128);

H. R. 4998. A bill for the relief of Paul Frkovich (Rept. No. 2129);

H. R. 5072. A bill for the relief of Carmen D'Ottavio, also known as Carmeron D'Ottavio (Rept. No. 2130);

H. R. 5077. A bill for the relief of Sophia Nassopoulos (Rept. No. 2131);

H. R. 5443. A bill for the relief of Eva Lowinger (Rept. No. 2132);

H. R. 5639. A bill for the relief of Edeltraud Kamberg Douglass (Rept. No. 2133);

H. R. 5822. A bill for the relief of Evanthia Demetrios Makrozonari (Rept. No. 2134);

H. R. 5944. A bill for the relief of Alberto Ugo Landry (Rept. No. 2135);

H. R. 6414. A bill for the relief of Barbara Pator Allen (Rept. No. 2136);

H. R. 6955. A bill for the relief of Margers Nulle-Siecenieks (Rept. No. 2137);

H. R. 6987. A bill for the relief of Gene C. Szutu and Florence C. Szutu (Rept. No. 2138);

H. R. 7138. A bill for the relief of Rosa Marie Adelheid Herok (Rept. No. 2139);

H. R. 7451. A bill for the relief of Erika Jette Lavery (Rept. No. 2140);

H. R. 7486. A bill to amend section 1071 of title 18, United States Code, relating to the concealing of persons from arrest, so as to increase the penalties therein provided (Rept. No. 2141);

H. R. 7494. A bill for the relief of Elizabeth Forster Austin (Rept. No. 2142);

H. R. 7584. A bill for the relief of Angele Marie Boyer (nee Pieniazeck) (Rept. No. 2143);

H. R. 7593. A bill for the relief of Theresia Probst Uhl (Rept. No. 2144);

H. R. 7606. A bill for the relief of Michael Henry LaFleur (Rept. No. 2145);

H. R. 7612. A bill for the relief of Enrico Intravaia (Rept. No. 2146);

H. R. 7628. A bill for the relief of Mrs. Adriana M. Truyers Aretz (Rept. No. 2147);

H. R. 7629. A bill for the relief of Mrs. Ruth Gruschka Krug (Rept. No. 2148);

H. R. 7635. A bill for the relief of Martti Ilmari Timonen, Maj-Lis Timonen, and Marja Timonen (Rept. No. 2149);

H. R. 7807. A bill for the relief of Heinz Gerhard Rolappe (Rept. No. 2150);

H. R. 7924. A bill for the relief of Giuseppi Clementi (Rept. No. 2151);

H. R. 7925. A bill for the relief of Mrs. Dina Miannulli (nee Kratzer) (Rept. No. 2152);

H. R. 7945. A bill for the relief of Bart Blaak (formerly Johannes J. M. Gijsbers) (Rept. No. 2153);

H. R. 8146. A bill for the relief of Palmina Smarrelli (nee Lattanzio) (Rept. No. 2154); and

H. R. 8334. A bill for the relief of Helmut Cermak and Hanna Cermak (Rept. No. 2155).

ADDITIONAL FUNDS FOR COMMITTEE ON AGRICULTURE AND FORESTRY—REPORT OF A COMMITTEE

Mr. AIKEN. Mr. President, from the Committee on Agriculture and Forestry, I report an original resolution to provide additional funds for the Committee on Agriculture and Forestry, and I submit a report (No. 2044) thereon.

The PRESIDENT pro tempore. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 304), reported by Mr. AIKEN, from the Committee on Agriculture and Forestry, was placed on the calendar, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, hereby is authorized to expend from the contingent fund of the Senate, during the 83d Congress, $12,000 in addition to the amount and for the same purposes as specified in Senate Resolution 127, 83d Congress, 1st session (providing for an investigation of various matters related to agricultural programs).

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY—REPORT OF A COMMITTEE

Mr. LANGER, from the Committee on the Judiciary, reported an original resolution (S. Res. 305), which was placed on the calendar, as follows:

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate, during the 83d Congress, $10,000 in addition to the amount, and for the same purposes specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946.

CITATION OF WENDELL H. FURRY FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE

Mr. McCARTHY. Mr. President, from the Committee on Government Operations, I report an original resolution, citing Wendell H. Furry for contempt of the Senate, and I submit a report (No. 2039) thereon.

The PRESIDENT pro tempore. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 306) reported by Mr. McCARTHY from the Committee on Government Operations, was placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Committee on Government Operations of the United States Senate as to the refusal of Wendell H. Furry to answer questions before the Senate Permanent Subcommittee on Investigations, said refusal to answer being pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate to the United States attorney for the District of the State of Massachusetts, to the end that the said Wendell H. Furry may be proceeded against in the manner and form provided by law.

CITATION OF LEON J. KAMIN FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE

Mr. McCARTHY. Mr. President, from the Committee on Government Operations, I report an original resolution, citing Leon J. Kamin for contempt of the Senate, and I submit a report (No. 2040) thereon.

The PRESIDENT pro tempore. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 307), reported by Mr. McCARTHY from the Committee on Government Operations, was placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Committee on Government Operations of the United States Senate as to the refusal of Leon J. Kamin to answer questions before the Senate Permanent Subcommittee on Investigations, said refusal to answer being pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate to the United States attorney for the district of the State of Massachusetts, to the end that the said Leon J. Kamin may be proceeded against in the manner and form provided by law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 3828. A bill for the relief of Mrs. Purita Rodriguez Adiarte and her two minor children, Irene Grace Adiarte and Patrick Robert Adiarte; to the Committee on the Judiciary.

By Mr. MONRONEY:

S. 3829. A bill for the relief of Mr. and Mrs. Andrej (Abram) Gottlieb; to the Committee on the Judiciary.

SOCIAL SECURITY AMENDMENTS OF 1954—AMENDMENTS

Mr. MUNDT (for himself and Mr. CASE) submitted amendments, intended to be proposed by them, jointly, to the bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes, which were ordered to lie on the table and to be printed.

FLOOD CONTROL ACT OF 1954—AMENDMENT

Mr. JOHNSON of Colorado (for himself and Mr. MILLIKIN) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 9859) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF STAFF STUDY OF THE PROBLEMS OF MEMBERSHIP IN THE UNITED NATIONS

Mr. WILEY. Mr. President, the Special Subcommittee on the United Nations Charter, of which I am chairman, has been publishing as committee prints a series of staff studies on various aspects of charter review. It has prepared a study on the veto, another on membership, and one on how the U. N. Charter has developed. It has in preparation additional studies on such subjects as the International Court, the specialized agencies, and so forth.

It is the purpose of these studies to supply background information for the subcommittee and the Senate. The subcommittee is operating under the terms of Senate Resolution 126, as amended, and proposes early next year to report to the Senate what changes, if any, it recommends in the charter, bearing in mind that our participation in the United Nations must be in our national interest.

So that these studies may be given circulation among the Senate and among interested Americans, I ask unanimous consent that these staff studies that have been printed as committee prints and those in preparation may be bound together and printed as a Senate document, and that 1,000 additional copies be made available to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. CAPEHART, from the Committee on Banking and Currency:

Paul Emmert Miller, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System, vice R. M. Evans, term expired.

By Mr. LANGER, from the Committee on the Judiciary:

Elbert Parr Tuttle, of Georgia, to be United States circuit judge, fifth circuit;

Charles Swann Prescott, of Alabama, to be United States marshal for the middle district of Alabama, vice Benjamin Franklin Ellis, removed; and

Paul W. Cress, of Oklahoma, to be United States attorney for the western district of Oklahoma, vice Robert E. Shelton, resigned.

By Mr. AIKEN, from the Committee on Agriculture and Forestry:

Earl L. Butz, of Indiana, to be a member of the Board of Directors of the Commodity Credit Corporation, vice John H. Davis, resigned.

NOTICE OF HEARING ON NOMINATIONS OF W. LYNN PARKINSON AND CALE J. HOLDER TO BE UNITED STATES DISTRICT JUDGES FOR NORTHERN AND SOUTHERN DISTRICTS OF INDIANA

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, August 9, 1954, at 9 a. m., in room 424, Senate Office Building, upon the nominations of W. Lynn Parkinson and Cale J. Holder, of Indiana, to be United States district judges for the northern and southern districts of Indiana, respectively, to fill new positions. At the indicated time and place all persons interested in the nominations may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from Idaho [Mr. WELKER], and the Senator from Nevada [Mr. MCCARRAN].

SUBVERSIVE LABOR YOUTH LEAGUE—RECOMMENDATION BY HON. HARRY P. CAIN

Mr. WILEY. Mr. President, I shall take the time of the Senate for a few moments to comment on an important and historic recommendation which was released to the press this morning. My subject is the extremely significant recommended decision by a member of the Subversive Activities Control Board, the esteemed ex-Senator from Washington, the Honorable Harry P. Cain. The recommendation is that the SACB determine the Labor Youth League a Communist-front organization, and that the Board therefore serve notice on the League that it is required to register as such under section 7 of the Internal Security Act of 1950.

This recommendation climaxes a 5-month open hearing in which our former colleague impartially heard, first, the charges leveled by the Attorney General of the United States that the Labor Youth League is a tool of the international Communist conspiracy; and then, the League's response. I ask unanimous consent that the remainder of my statement be printed in the RECORD.

There being no objection, the remainder of Mr. WILEY's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

COMMUNISM TRIES TO TRAP WORLD YOUTH

As the ranking majority member of the Senate Judiciary Committee (which is concerned with internal security), and having formerly served as its chairman, I am naturally particularly interested in this important finding on this organization.

In my capacity as chairman of the Senate Foreign Relations Committee (where I have encountered evidences throughout the world of the desire of communism to ensnare young people within its trap) I am also particularly glad that action has been taken against this organization.

In virtually every country of the world where communism is a major or minor menace, the Communists have first sold their lies to impressionable youngsters in the teens and early twenties. Far too many foreign youngsters have swallowed hook, line, and sinker the false Communist claims of ushering in the millenium; the results are all too apparent. The so-called World Federation of Democratic Youth and its Red affiliates in many, many countries have taken their place among the leading executioners of man's freedom. And, too, the young Red European firebrands of the 1920's have become Malenkov's "Murder, Inc." associates of the 1950's.

Here in this country, at long last, if the recommendation is approved by the Board, the Labor Youth League will be the first active Communist-front organization to be required by the SACB to be registered.

BACKGROUND OF LEAGUE

The league was founded in Chicago just 5 years ago. It purported to be a group of independent clubs dedicated to the "disinterested" study of Marxism as an economic theory.

It was, however, recognized from the outset by the vigilant Federal Bureau of Investigation as an offshoot of the Communist Party, as an organization founded for the purpose of infecting our young people with the virus of Marxist fanaticism.

Thanks to the FBI's detection, the league almost since its founding has been included in the Attorney General's list of subversive organizations.

Under the cloak of academic freedom, it has, however, managed to carry on. A few of our institutions of higher learning have tolerated the league's off-the-campus chapters. None of these chapters attained any particular strength (including at the University of Wisconsin). Why? Because to the overwhelming majority of sound-thinking Wisconsin and other American students, the

hateful theories and practices of communism, however disguised, hold no appeal.

The league was, however, able to infect a certain number of young people throughout the land; and, so far as I am concerned, any organization which poisons the mind of a single youth does a disservice to America.

Now, however, there has gone to attorneys for the league, to the Attorney General, and to the board itself, copies of the recommendation by former Senator Cain.

WORLD SHOULD NOTE THIS CAREFUL PROCEEDING

I trust that the news of this decision will be circulated around the world.

Why? Because it will demonstrate to men of good will everywhere the care and precision with which the legal instrumentalities of the United States analyze the problem of communism in our midst. It will show them the procedures of fair play by which a Communist front is brought to book.

The Attorney General had presented 14 witnesses, the respondent presented 4 witnesses. The Attorney General's witnesses, some of whom had left the league in disgust or disillusionment, were subjected by the league's lawyers to a combing of their lives and habits, their beliefs and truthfulness. Their testimony was not impaired in the slightest degree.

When, however, the league's own four witnesses took the stand and in turn were cross-examined on their Communist affiliations, all—and this should prove no surprise—pleaded the first and fifth amendments. Their very silence betrayed them and belied their so-called defense.

Of course, the recommendation of Board Member Cain will be greeted by Communists and Communist-fronters with howls of dismay and blasts of criticism. They will vilify in every way possible the proposed control order requiring the league to register as a Communist-front organization, to list all its officers yearly, to reveal its finances yearly, and to label its propaganda as Communist. They will try to use every conceivable legal stratagem for delay in the courts. But I point out that none of the requirements which I have listed impairs any constitutional right of any league member. It simply exposes such members and their affiliates to the pitiless light of public attention.

I should like to point out that the parent of the LYL, the Communist Party, which was previously found by the Board to be the direct agent and puppet of the Soviet Union and ordered to register as such, has stated the following in its appeal to the courts: It has said that compliance (which in its case calls for registration of all members as well as officers) is tantamount to commiting suicide.

But if, as I trust, the courts uphold the Communist Party registration, and if the party thereafter dissolves itself, it will have died by its own foul hand. It will have proven its inability to stand up in the full light. That no doubt may well be the case as regards the Labor Youth League as well.

MILWAUKEE JOURNAL'S CONTRIBUTION

I do not believe that it would be inappropriate if I pointed out that a leading American newspaper contributed very significantly to the SACB finding.

I point out that when the league was founded in Chicago 5 years ago, one or more of the young Communists who gathered there apparently came from the University of Wisconsin. The alert Milwaukee Journal had asked the assistant city editor of the Chicago Daily News, Mr. Maurice Fisher, to cover the meeting. It was on the basis of evidence gained in the course of that Milwaukee Journal assignment and Mr. Fisher's testimony at the SACB hearing, backed as it was, by the concrete documents which he had picked up at the Chicago session, that the Attorney General relied in part in proving this fact: It was the Communist Party which through its officials presided at the league's very birth. I commend the Journal therefore for this important contribution and I believe the Attorney General would do likewise if he were asked his reaction.

I believe that former Senator Cain's recommendation is an important element in the history of United States quasi-judicial institutions. It is a demonstration of the vitality of such institutions, like the SACB.

I only wish that our friends abroad in the many countries where communism has taken a hold among youth would similarly institute proceedings against the Communist and Communist-front organizations which are trying to poison their own young people.

The hour is late for many, many lands. We are doing our part to protect our internal and external security. Let other lands do their part.

LEAVE OF ABSENCE

Mr. SMITH of New Jersey. Mr. President, I find myself in an embarrassing position in rising today, because I shall be compelled to ask unanimous consent of the Senate to be absent beginning at 4 p. m. this afternoon, until tomorrow morning. Some days ago the President of the United States asked me to represent him at a dinner of the Korean Foundation, this evening, in New York, in honor of Dr. Syngman Rhee, President of South Korea. President Eisenhower asked me because of my personal acquaintance with Dr. Rhee and because of the President's desire to have me give to Dr. Rhee his greetings on that important occasion. Therefore, I feel that I am required to ask unanimous consent of the Senate to be absent, much as I regret to have to leave the debate this afternoon.

It is my sincere hope that no important votes will be taken on the pending question in my absence, but, of course, I am eager to have the work of the Senate expedited, so I would not ask to have any vote postponed. But if any important vote is taken in my absence, on tomorrow I shall ask unanimous consent to make a statement of my position on any such question.

Therefore, Mr. President, I ask unanimous consent to be absent from the Senate beginning at 4 p. m. today, until tomorrow, in view of the request I have received from the President of the United States.

The PRESIDENT pro tempore. Without objection, leave is granted.

THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS—SUPPLEMENT TO MINORITY VIEWS

Mr. KUCHEL. Mr. President, I desire to present for the information of the Senate certain comments supplementing the minority views filed by me in connection with Senate 1555, the Colorado River storage project and participating projects measure. These views deal primarily with the economic justification and financial feasibility of the project, items which are of vital interest to every section of the Nation. The material is presented in brief fashion, and I trust that all Members of the Senate will take a few moments to study it.

Mr. President, I ask unanimous consent that the material be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

I desire to present for the information of the Senate certain comments which supplement the minority views filed by me in connection with S. 1555, the Colorado River storage project and participating projects legislation. These views deal primarily with the economic justification and financial feasibility of the project, items which are of vital interest to every section of the Nation. This material is presented in brief fashion, and I trust all members will take a few moments to study it. This material points out:

1. The bill reported by the committee is not the bill approved by the administration.
2. Project authorizations of this magnitude subject only to secretarial review delegates excessive authority to the Secretary and constitute bad legislation.
3. Additional storage units are unwarranted and infeasible.
4. Irrigation projects are financially infeasible.
5. The financial plan constitutes a drastic departure from the existing reclamation law.
6. The huge concealed subsidy is unjustified.
7. The ultimate cost is at least $5 billion.
8. Essential engineering, economic, and financial data are lacking.
9. The bill undercuts the Hoover Commission.
10. The power to be generated will be high-cost power which must be continued for at least 75 years under the financing plan of the project.
11. The bill would approve the benefit-cost ratio, a device not sanctioned by existing reclamation law, to test the economic justification of these projects.
12. The project is not self-liquidating, as claimed by the Reclamation Bureau.

1. THE BILL REPORTED BY THE COMMITTEE IS NOT THE BILL APPROVED BY THE ADMINISTRATION

The administration, through the Secretary of the Interior and the Budget Bureau, recommended initial authorization of two storage dams, Glen and Echo, and conditional authorization of 11 participating reclamation projects—La Barge, Seedskadee and Lyman, in Wyoming; Silt, Smith Fork, Paonia, Florida and Pine River Extension, in Colorado; Emery County and Central Utah, in Utah; and Hammond, in New Mexico. The estimated total construction cost of all of these features is about $920 million.

The bill, S. 1555, reported by the Senate Committee on Interior and Insular Affairs, seeks the authorization of four additional storage dams—Cross Mountain, Curecanti, Flaming Gorge and Navaho—making 6 in all; and authorization of three additional participating projects—Gooseberry in Utah, San Juan-Chama and Navaho, in New Mexico; making 14 in all, at an additional estimated cost of over $680 million.

The Senate, thus, has a bill before it involving a total estimated cost of in excess of $1,600,000,000 as opposed to a bill recommended by the Secretary involving about $920 million.

There are other significant changes in the bill as sponsored by the Interior Department. That bill provided conditional authorization of 11 participating projects, using the following language (see Senate hearings, p. 9): "*Provided*, That the authority to construct any participating project * * * shall not become effective until the Secretary has reexamined the economic justification of such project." The bill before the Senate provides:

"*Provided*, That construction of the participating projects shall not be undertaken

until the Secretary has reexamined the economic justification of such project."

The clear intent of the recommendation by the Secretary of the Interior, concurred in by the Bureau of the Budget, is that the Secretary of the Interior would be required to reexamine the economic justification of each participating project and submit a report thereon to the Congress through the President, the findings of which would be reviewed by the President and the Congress before the authorization to construct would become effective. The change in wording in the bill merely requires the Secretary of the Interior to submit a report to the President and the Congress. Construction of the project could proceed, as long as the Secretary is satisfied with his report, without further review or necessary approval by either the Executive or the Congress. There can be no doubt that this bill would constitute congressional authorization for 12 of the participating projects. With respect to 2 participating projects—San Juan-Chama and Navaho—and these 2 only, authorization has been expressly reserved to the Congress, after reports have been submitted in accordance with section 1 (c) of the Flood Control Act of 1944. This section requires the submission of reports on projects to the affected States for comment, prior to their submission to the President and to Congress. But even this requirement is waived in this bill except with respect to the San Juan-Chama and Navaho projects. It is worthy of note that both the Department of the Army and the Federal Power Commission, in commenting on this bill, by letters to the committee dated June 14 and 18, 1954 (pp. 12–15, Senate hearings), recommended that the bill adhere to this requirement of the Flood Control Act of 1944, for all participating projects.

The 4 additional storage dams and 3 additional participating projects now in the bill were not recommended by the Secretary and the Budget Bureau for even conditional authorization because of positive lack of economic justification. With respect to one of these additions the Bureau of the Budget in its report dated March 18, 1954, stated: "Provisional authorization of the Shiprock unit of the Navaho project would not be in accord with the program of the President at this time." Yet, the bill before the Senate includes the entire Navaho project, about 75 percent of which is made up of the Shiprock unit.

It is true that the bill still provides for a reexamination of the economic justification of the participating projects by the Secretary, but there is a change as to the Agriculture Department's participation in this reexamination. The bill suggested as a substitute by the administration directed that a reappraisal of agricultural benefits be made by the Secretary of the Interior in cooperation with the Secretary of Agriculture. But the measure before the Senate merely provides that such reappraisal be made after consultation with the Secretary of Agriculture. By letter dated June 30, 1954, to the Senate committee the Secretary of Agriculture said that if the legislation is favorably considered, he would recommend—

"(1) that it provide, as the administration draft bill specifically provides for 11 initial participating projects, for cooperation by the Department of Agriculture with the Department of the Interior in the appraisal, before authority to construct projects becomes effective, of the prospective direct agricultural benefits of each proposed project that is expected to produce such benefits."

This recommendation has been ignored with the result that the Agriculture Department can be effectively bypassed in the reappraisal called for for these projects. The appraisal of agricultural benefits by the Department of Agriculture has been in the past, and should have been, far more realistic than such appraisals by the Bureau of Reclamation.

In a number of respects then, the bill before the Senate is not the bill which had administration approval. It is almost $700 million bigger, provides outright authorization by Congress for the great bulk of the projects, and, in effect, bypasses one of the executive departments in connection with the reappraisal of participating projects.

2. PROJECT AUTHORIZATIONS OF THIS MAGNITUDE SUBJECT ONLY TO SECRETARIAL REVIEW, DELEGATE EXCESSIVE AUTHORITY TO THE SECRETARY, AND CONSTITUTE BAD LEGISLATION

It is apparent from the record and the reports of the Secretary of the Interior and the Bureau of the Budget that the economic justification and financial feasibility of each of the participating projects proposed for authorization in the bill is questionable. The bill would require the Secretary of the Interior, prior to construction, to certify to Congress that the benefits of the participating projects will exceed their costs and that they can meet the financial reimbursability requirements of section 4 of the bill. The projects should certainly be reexamined as to their economic and financial aspects, but the results of such reexamination should be submitted to the Congress in accordance with the procedure provided by law. Final authorization should be reserved by the Congress until such reports are submitted and have been studied and acted upon by the appropriate congressional committees.

Authorization of these participating projects, even conditional authorization, at this time is premature and entirely unwarranted in the light of the serious questions in regard to economic justification and financial feasibility. The bill would delegate excessive authority to the Secretary of the Interior, and would abdicate the responsibilities of Congress. Such delegation of the responsibility of the Congress as is proposed in the bill is bad legislation and should not be approved.

3. ADDITIONAL STORAGE UNITS ARE UNWARRANTED AND INFEASIBLE

The purported purpose of the storage units is to provide holdover storage to meet requirements of the Colorado River compact. The record shows that storage for this purpose would not be required for at least 25 years and when the need arises, Glen Canyon alone would suffice for another 40 to 50 years. Yet this bill provides for the construction now of not 1 but 6 storage dams which will impound some 45 million acre-feet of water, enough to contain the entire flow of the river for several years. If these dams were to store waters for direct application of the land, they might find some immediate justification. But they are admittedly not for this purpose. The construction of the additional storage units 50 years in advance of need is unwarranted.

Moreover, with the possible exception of Cross Mountain, Glen Canyon is the only storage and power unit that can stand on its own feet financially. The other storage units must be subsidized by Glen since the cost of producing power would exceed the proposed sale price of 6 mills per kilowatt-hour, making them financially infeasible. Thus, from the standpoint of lack of need and financial infeasibility, the authorization of additional storage units as proposed by the bill and of Echo Park as recommended by the Secretary, is unwarranted at this time.

4. IRRIGATION PROJECTS ARE FINANCIALLY INFEASIBLE

The bill seeks to authorize 14 irrigation reclamation projects which would provide for irrigation of about 730,000 acres, of which about 280,000 acres would be new lands and 450,000 acres would be existing irrigated lands that would receive only a relatively small supplemental water supply. The irrigation investment for the facilities required to serve these projects, including the portion of the cost of the storage dams allocated to irrigation, would be about $750 million, or an average of over $1,000 per acre for the original construction cost alone to irrigate lands having an average value of about $150 per acre.

Of the total irrigation investment of about $750 million, the irrigation water users would be able to repay in a period of 50 years only about $90 million, or about 12 percent of the total. Thus, about 88 percent of the irrigation investment would have to be subsidized from some source to the extent of about $900 per acre construction cost, on the average.

The largest of the participating projects, the central Utah and the Navaho, are the most infeasible of all. On the central Utah project (the initial phase), involving 160,000 acres, of which 131,000 will receive only a supplemental water supply, the water users could repay only $94 per acre out of a total investment of nearly $800 per acre, or less than 12 percent. On the Navaho project, involving 151,000 acres, all of new lands, the water users could repay only $129 per acre out of a total estimated cost of $1,540 per acre, or about 8½ percent of the total.

The lands included in the proposed participating projects are of limited producing capacity. Due to their high elevation, all have a short growing season and are limited in the types of crops that can be grown. On some of the projects there is frost every month in the year. These factors, combined with high costs, result in the financial infeasibility of these projects.

5. THE FINANCIAL PLAN CONSTITUTES A DRASTIC DEPARTURE FROM THE EXISTING RECLAMATION LAW

The existing reclamation law requires repayment of the irrigation investment to be completed within 50 years (40 years after a 10-year development period), contemplating repayment in approximately equal annual installments in accordance with past practices and procedure as generally applied.

The repayment plan proposed for the Colorado River storage project and participating projects would postpone the commencement of repayment of about 88 percent of the irrigation investment for 40 to 50 years, and would extend the repayment period to 70 years or more. The irrigators would be able to pay only about 12 percent of the cost allocated to irrigation, including storage costs. The balance of 88 percent is proposed to be paid by net power and municipal water revenues after the power and municipal water investments have been repaid in a period of 40 to 50 years.

By reason of postponement of commencement of repayment on the major portion of the irrigation investment, the interest cost to the Federal Government and the Nation's taxpayers on the funds advanced for construction of the works proposed for authorization in the bill is increased manyfold over what it would be under existing law.

6. THE HUGE CONCEALED SUBSIDY IS UNJUSTIFIED

Under the proposed plan of financing the projects sought to be authorized by the bill, the concealed subsidy to the Nation's taxpayers would amount to at least $3 billion and possibly as much as $4 billion to provide irrigation for about 730,000 acres of land (of which about 450,000 acres would receive only a supplemental water supply). Using the smaller figure, the subsidy would be about $4,000 per acre irrigated. This would be equivalent to over $640,000 for a 160-acre farm. The average value of fully developed irrigated land in the area of the participating projects is about $150 per acre, or $24,000 for a 160-acre farm.

Even for the projects recommended by the Secretary, involving a construction cost of $920 million, the concealed subsidy from the

Nation's taxpayers would be over $1 billion to provide irrigation for less than 370,000 acres, or over $2,500 per acre irrigated, or $370,000 for each of the 2,700 farms to be benefited.

For either the larger development sought to be authorized by the bill or the smaller recommended by the Secretary, the subsidy is grossly excessive and unjustified.

Proponents of this project either completely overlook or gloss over this subsidy. The hard fact remains that the Government must borrow money and in borrowing must pay interest. The irrigation features of this project are interest free. This policy is not new, for irrigation money has been made available interest free since the Reclamation Act of 1902. The difference is that the Reclamation Act of 1902 required repayment in 10 years. This period has expanded through the years to 40 years plus a 10-year development period. But here, the repayment of irrigation features is to be postponed for 40 to 50 years while power and municipal water project revenues are devoted to the paying out, with interest, of those costs allocated to power and municipal water. Then and only then, will repayment of 88 percent of the irrigation investment begin. In the meantime and continuing to the end of the repayment period, the interest which the Government must pay on borrowed money compounds to pile up a huge burden on the general taxpayer.

7. THE ULTIMATE COST IS AT LEAST $5 BILLION

Section 2 of the bill would commit the Congress to the proposition that other storage and participating projects will be added in the future to use the full 7,500,000 acre-feet apportioned by the Colorado River Compact to the upper basin. There are over 100 such projects in the Reclamation Bureau's inventory with an ultimate construction cost of over $5 billion. Any project can be declared feasible under the standards and type of financing proposed by the Bureau of Reclamation in this bill. The financing here proposed would dedicate the power revenues of the Government dams to subsidize irrigation for as long as may be necessary to retire the principal of any debt, however large, provided the taxpayers pay the interest on moneys obtained by the sale of Government bonds to build the project. The resulting subsidy with which the Nation's taxpayers would be burdened would be many billions of dollars.

8. ESSENTIAL ENGINEERING, ECONOMIC, AND FINANCIAL DATA ARE LACKING

Neither the Bureau of Reclamation nor the Secretary of the Interior has made a report supplying essential data and analyses as to the engineering, economic, and financial aspects of the storage and participating projects as now sought to be authorized by this bill. No construction or financial operation program for the projects and units, showing when and in what amount Federal funds would be required to be advanced for construction, and when and in what amount revenues and repayments would be received, and just how each project and unit could and would pay out in 50 years as alleged, has been furnished.

Such data on costs and revenues as have been furnished by the Department of Interior and the Bureau of Reclamation are conflicting, incomplete, or inadequate. For example, the estimates of firm power output and revenues are unsupported and apparently exaggerated in comparison to corresponding estimates contained in the basic project planning report issued in 1950.

The House committee held longer hearings on this project and ultimately reported, by a vote of 13–12, a much more modest measure than the Senate committee has. At that, questions directed to the Secretary of the Interior bearing on economic and financial aspects of the projects sought to be authorized by the bill have still not been answered. The haste attending the consideration of a measure, which now by Seante committee action involves a minimum commitment of $1,600,000,000, would have questionable justification even if all the material necessary to an informed decision were available. With questions on financing and general project economics still unanswered and with reports which by the admission of the Interior Department are still only fragmentary, the haste attending the efforts to authorize these proposed developments is indefensible.

9. THE BILL UNDERCUTS THE HOOVER COMMISSION

This Congress created the Hoover Commission, assigning it, among other jobs, the responsibility of investigating and reporting to the Congress on all water and power policies. A representative of the task force on water resources and power appeared before the committee to protest the enactment of this legislation at this time, prior to the submission by the task force of its report. One of the significant policy matters on which the Commission may be expected to report is that of financing projects. This bill would establish the so-called Colbran formula as a vehicle for project financing on such a tremendous scale that this policy would be firmly established, even though such a policy for future projects was disclaimed when the relatively small $16 million Colbran project was authorized by Congress in 1952. The task force of the Hoover Commission has completed public hearings in five major cities throughout the country and has heard considerable testimony on this matter of financing alone. Congress should not establish the sweeping financial policy called for in this bill, among others, until the Commission it created has had an opportunity to file its recommendations for the consideration of Congress. A report by the task force is expected in the near future.

10. THE POWER TO BE GENERATED WILL BE HIGH-COST POWER WHICH MUST BE CONTINUED FOR AT LEAST 75 YEARS UNDER THE FINANCING PLAN OF THE PROJECT

Justification for Federal power projects has usually been made on the ground that they will bring low-cost power to large numbers of people. But this bill would necessarily involve high-cost power in order to provide the bank account to subsidize infeasible irrigation projects. Power could be developed at Glen Canyon and delivered to load centers for 3.75 mills per kilowatt-hour, and still retire with interest all the Government investment in that structure charged to power. Yet that power is proposed to be sold for 6 mills or more in order to subsidize the other proposed power projects and irrigation. Six-mill power from a Federal project can hardly be classed as low-cost power. It is closely equivalent to the cost of steam-electric power.

It is well known that the region in which the power dams would be constructed has a vast mineral potential. Here are located what are believed to be the greatest coal, oil shale, and uranium deposits in the country. This combination, considering the fact that atomic electric power is already being generated at decreasing costs, raises the question of whether the competitive market value of power would remain as high as 6 mills in that region for even the next several decades, let alone the next 75 years. Yet what questionable financial prop there is to this project is dependent upon 6-mill power being sold for at least that period—an expectation that is highly speculative to say the least.

11. THE BILL WOULD APPROVE THE BENEFIT-COST RATIO, A DEVICE NOT SANCTIONED BY EXISTING RECLAMATION LAW, TO TEST THE ECONOMIC JUSTIFICATION OF THESE PROJECTS

The bill would, in effect, approve the use of the so-called benefit-cost ratio for testing the economic justification of irrigation projects. Testimony indicates that this device, as now utilized, is applied in attempting to justify projects which are economically and financially infeasible by the use of fictitious and unrealistic values to inflate the benefits while overlooking factors of cost to the Nation which would result from the project. The term "benefit" includes indirect as well as direct benefits such as the probable amount of income tax which beneficiaries of the project will pay, the amount of business which may be created in communities at the other end of the country through the sale of agricultural products produced by the project, and so forth. In short, factors which go into this ratio are not confined to the project area. The device is an application of the multiplier theory—a dollar put in here will create $2 elsewhere.

An example of how this operates may be illustrated from the Hammond participating project in this bill. The Bureau of Reclamation would collect only $2.02 per acre per year from the farmers on this project, yet the Bureau says the direct benefits are $41.50 per acre per year, or 2,000 percent of the amount it would require the farmers to pay. Note these are direct benefits to say nothing of what the indirect factors in the formula may be. At the same time, looking at the other side of the coin, the Government's revenues from firm power production at Hoover, Parker, and Davis Dams would be decreased by as much as 25 percent during the time, which may be as long as 20 years, that the storage dams of the proposed projects are filling. This loss has been ignored by the Bureau in the benefit-cost formula.

The only true criterion of economic justification of reclamation is reimbursability which has been the required basis of findings of feasibility since the inception of Federal reclamation in 1902. It should be maintained in the law without change.

12. THE PROJECT IS NOT SELF-LIQUIDATING, AS CLAIMED BY THE RECLAMATION BUREAU

The Bureau represents this as being a self-liquidating project. Plain arithmetic shows that it would not be. Simple interest alone, even at 2½ percent, on $1.6 billion of original investment is $40 million per year. Total net revenues, as estimated by the Bureau, would average substantially less than this amount. As the project could not pay simple interest on the investments, its revenues could never retire the capital cost. The Nation's taxpayers would have to do that. Or if revenues were earmarked to retire the capital, the taxpayers would have to pay about all of the interest. In any event, the net burden on the taxpayers would be $3 billion to $4 billion by the end of the proposed repayment period and this debt would keep on increasing until paid off by general taxation since it could never be repaid from project revenues.

OPPOSITION TO DELAWARE RIVER APPROPRIATION

Mr. WILEY. Mr. President, I have prepared a statement setting forth reasons why I oppose a $91 million appropriation amendment for an engineering project to deepen the Delaware River.

This provision is incorporated in Calendar No. 2026, the omnibus rivers and harbors bill, H. R. 9859, and is present also on the Senate Calendar in separate form in S. 2317, Calendar No. 1832.

I personally object to passage of both such items. I do not believe this last-minute throwaway of taxpayers' funds should be allowed to stand. A throwaway at any time is bad; but at this time, with little or no opportunity to study it, it is absolutely indefensible.

I ask unanimous consent that the statement be printed at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

The United States Senate is being given a sample demonstration of how American citizens' tax resources are arbitrarily spent.

There is now pending in the Senate version of the omnibus rivers and harbors bill, an authorization for a $91 million engineering project to deepen the Delaware River.

I point out that this project was definitely not authorized by the House Public Works Committee, or by the full House of Representatives. The amendment was inserted on the Senate side after a hearing by the Public Works Committee on a bill which had been introduced but a few days previously. The committee had also approved S. 2317 in separate form for the same $91 million allocation.

Thus, we see how the last-minute action of a single committee, by the insertion of a few lines in a bill, can wave a magic wand, after which $91 million of the taxpayers' resources disappear into another river and harbor item.

There are a great many worthy port improvements which do merit congressional action, but to approve $91 million without the House of Representatives committee having even held hearings on the subject, but simply being given the opportunity to approve it as a fait accompli in conference seems to me a dubious procedure.

I point out, moreover, that $18 million or so of the $91 million, represents practically a gift by the taxpayers of the United States to the United States Steel Co.

Originally, when the Delaware River project had first come up, through a Corps of Engineers' request, it had been proposed that $18 million of the cost be borne by local interests. But, lo and behold, in the version of S. 2317 and in the omnibus rivers and harbors bill, the $18 million is nowhere to be found as being required to be paid by local interests. Where will the $18 million come from? Why, of course, from the pockets of the American taxpayer.

I point out that this gift of $18 million from the taxpayers to United States Steel is specifically contrary to a recommendation by the Department of the Army.

Secretary of the Army Robert Stevens, in a letter dated March 19, 1954, to the Speaker of the House of Representatives, stated:

"It appears true that additional economic benefits will accrue directly to the United States Steel Corp. from a 40-foot channel and there seems every reason for the beneficiary to participate in the project. Although the proposed cash contribution would be an appreciable sum, it does not appear exorbitant. While it would be larger than in any precedent cases to date, the principle and practice of such participation has long been established and is consonant with a sound policy of Federal and local cooperation in such projects."

The Secretary further pointed out that the Bureau of the Budget, in a letter of February 25, 1954, "considers that the proposed cash contribution toward the cost of the 40-foot depth channel is reasonable."

But the judgment of the United States Army and the Corps of Engineers was tossed into the ashcan by the Senate Committee.

Here is what Representative CHARLES OAKMAN (Republican, of Michigan), wisely stated:

"Before the Public Works Committee I said that to approve a $55 million, or a $91 million, river and harbor project in the closing days of the Congress on a measure of this type on which no hearings have been held on the House side of the Capitol was a reprehensible practice. The hearings held by a committee of the other body have not as yet been printed.

"I further stated that I wanted to go on record as opposing the inclusion of a $55 million as well as a $91 million authorization in the omnibus bill for this purpose.

"The primary use of this channel is to bring Venezuelan ore directly to the United States Steel Co.'s Fairless plant.

"It is expected that the Senate will include this in the omnibus bill which is currently on the Senate calendar. This action is expected momentarily.

"Therefore, a House-Senate conference committee will consider the differences in the House-approved and the Senate-approved versions."

Third, I want to point out that I, for one, fully recognze the importance of increased transportation on the Delaware River.

I can only state very frankly, however, that the Representatives from this area have, by and large, failed to demonstrate any similar awareness of the future needs of the Great Lakes.

On the contrary, a great many of them opposed the St. Lawrence seaway down through the years.

Next year, when the Corps of Engineers' recommendations for deepening the connecting channels on the Great Lakes come up, some of these same Delaware River area legislators will, no doubt, once more be found in the ranks of the opposition. I point out, however, that the lake area involves a great many ports of a great many States and far more millions of people than are involved in Delaware River improvement.

Unlike this particular $91 million project for the benefit of a single plant of a single company—United States Steel—channel deepening will affect literally hundreds and thousands of varied companies.

I can assure my colleagues that I would want funds for the lake area scrutinized with the same care and determination as to whether or not the public interest was being served, as I would want funds for the Delaware River area scrutinized. I do not believe in making free gifts of the taxpayers' resources to any American company or group of companies.

The PRESIDENT pro tempore. Is there further morning business?

If not, the Chair lays before the Senate the pending business.

THE JUNIOR SENATOR FROM WISCONSIN

The Senate resumed the consideration of the resolution of censure (S. Res. 301) submitted by Mr. FLANDERS relative to the junior Senator from Wisconsin [Mr. MCCARTHY].

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas [Mr. FULBRIGHT].

Mr. KNOWLAND. Mr. President, during the course of debate upon the pending resolution, some mention was made of the release, during the so-called Army hearings before the Government Operations Subcommittee, of a classified document, and I understand there has been an indication that that would be considered the basis of one of the charges which the Senate might consider as a reason for a vote of censure.

Merely for the benefit of the RECORD, and without being argumentative about the situation, I desire to ask to have printed in the body of the RECORD as a part of my remarks a newspaper article from the New York Times of Tuesday, October 28, 1952, entitled "MORSE Says Eisenhower Backed Taking GI's From Korea in 1947—Senator Reads Top Secret Memorandum From Forrestal Asserting Chiefs Saw Little Strategic Interest There." The article is datelined Minneapolis, Minn., October 27, by the United Press, and contains a copy of a memorandum labeled "top secret."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORSE SAYS EISENHOWER BACKED TAKING GI'S FROM KOREA IN 1947—SENATOR READS TOP SECRET MEMORANDUM FROM FORRESTAL ASSERTING CHIEFS SAW LITTLE STRATEGIC INTEREST THERE

MINNEAPOLIS, MINN., October 27.—Senator WAYNE MORSE, of Oregon, read a top secret Government memorandum today that he said proves that Gen. Dwight D. Eisenhower, as Army Chief of Staff, had recommended the withdrawal of American occupation troops from South Korea in September 1947.

Senator MORSE, who bolted the Republican Party last week, read the memorandum to a student rally at the University of Minnesota Armory. Labeled "top secret," it was signed by the late Secretary of Defense, James Forrestal, and was directed to the Secretary of State.

TEXT OF THE MEMORANDUM

WASHINGTON, *September 26, 1947.*

Memorandum top secret
From Office of Secretary of Defense
Directed to Secretary of State
Subject: The interests of the United States in the military occupation of South Korea from the point of view of the military security of the United States.

Pursuant to the request in SWN-5694, (copy attached), initiated by the State member of the committee, the following views have been received:

The Joint Chiefs of Staff consider that from a standpoint of military security, the United States has little strategic interest in maintaining the present troops and bases in Korea for the reasons hereafter stated.

In the event of hostilities in the Far East, our present forces in Korea would be a military liability and could not be maintained there without substantial reinforcements prior to the initiation of hostilities. Moreover, any offensive operation the United States might wish to conduct on the Asiatic continent most probably would bypass the Korean peninsula.

If, on the other hand, an enemy were able to establish and maintain strong air and naval bases in the Korean peninsula, he might be able to interfere with United States communications and operations in East China, Manchuria, the Yellow Sea, the Sea of Japan, the adjacent islands. Such interference would require an enemy to maintain substantial air and naval forces in that area where they would be subject to neutralization by air action. Neutralization by air action would be more feasible and less costly than large-scale ground operation.

In light of the present severe shortage of military manpower, the corps of two divisions totaling some 45,000 men now maintained in South Korea, could well be used elsewhere. The withdrawal of these forces from Korea would not impair the military of the Far East command unless, in consequence, the Soviet established military strength in South Korea capable of mounting assault in Japan.

At the present time, the occupation of Korea is requiring very large expenditures for the primary purpose of preventing disease and disorder which might endanger our occupation, with little, if any, lasting benefits to the security of the United States.

Authoritative reports from Korea indicate that continued lack of progress toward a free and independent Korea, unless offset by an elaborate program of economic, political and cultural rehabilitation, in all probability will result in such conditions, including violent disorder, as to make the position of the United States occupation forces untenable.

A precipitant withdrawal of our forces under such circumstances would lower the military prestige of the United States, quite possibly to the extent of adversely affecting cooperation in other areas more vital to the security of the United States.

JAMES FORRESTAL.

Mr. KNOWLAND. Mr. President, when that article was published in the press of the Nation, I immediately addressed a series of inquiries to the Department of Defense and to the Department of State, which I shall ask to have placed in the RECORD at this point in my remarks, but before doing so I should like to have printed as a part of the record a memorandum of March 7, 1952, from the Federal Civil Defense Administration taken from Manual 22–1, entitled "Security Regulations," containing definitions as to what the various classifications mean, that is, "confidential," "secret," and "top secret" and their impact upon the national security.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

FEDERAL CIVIL DEFENSE ADMINISTRATION,
Washington, D. C., March 7, 1952.

I. FCDA Manual M22–1, Security Regulations, dated August 31, 1951, is amended, as follows:

A. Page iv, item 5: Delete this item and substitute the following:

"5. Classified information: The term 'classified information' as used herein denotes 'classified security information,' and means official information, the safeguarding of which is necessary in the interest of national security and which is classified for such purpose by appropriate classifying authority."

B. Page 2, paragraph 3.1: Delete this paragraph and substitute the following:

"3.1. 'Classified material' as used in these regulations means all official material, the safeguarding of which is necessary in the interest of national security and which, for reasons of security, has been assigned one of the security information classifications. There shall be four categories of classified security information which, in descending order of importance to national security, shall carry one of the following designations: 'top secret,' 'secret,' 'confidential,' or 'restricted,' in addition to being specifically identified as security information. No other classification or classifications shall be used to designate classified security information. Such material includes all copies of official records (documents, reports, memoranda, telegrams, airgrams, notes, drafts, shorthand notes, carbons, charts, plans, drawing, recordings of conferences, and conversations, etc.) which contain information classified under any of the above-mentioned four categories. Discussions and conferences, as well as documents, shall be considered classified when appropriate."

C. Page 4, section 4: Add paragraph 4.8, as follows:

"4.8. Information or material which does not require protection in the interest of national security, but which, for one reason or another, is not for general distribution or publication to the general public, may be marked with one or more of the following identifications, or similar ones: "For official use only. Not for publication. Confidential. (This last marking may be used on nonsecurity information when it is believed that the contents are of a personal nature and their disclosure or revelation to unauthorized persons may be prejudicial to an individual. For example: personnel records, investigative reports, etc.)"

II. Explanation of changes:

A. Executive Order 10290 prescribes regulations establishing minimum standards for the classification, transmission, and handling by departments and agencies of the executive branch of the Government, of official information which requires safeguarding in the interest of the security of the United States.

B. In general, M22–1 meets the standards prescribed under the Executive order with the following important exception:

The Executive order requires that when material containing security information is originated it must be marked with the words "security information," in addition to 1 of the 4 classifications "top secret," "secret," "confidential," or "restricted." Paragraph 3.1 has been amended accordingly.

C. In addition to the above, section 4 has been amended to include paragraph 4.8, suggesting markings for information which does not require security protection but which, for one reason or another, is not for general distribution or publication.

D. In his letter to the heads of the executive departments and agencies concerning the Executive order, the President placed special emphasis on the fact that the regulations prescribed under the order are to be used exclusively to safeguard the security of the Nation, and not for any other purpose. They must not be used to withhold nonsecurity information or to cover up mistakes made by an official or employee of the Government.

E. In order to comply with the requirements of the new classification markings for classified security information, rubber stamps have been procured by the Security Division. Sets of these stamps, consisting of 1 of each of the 4 security classifications, may be obtained from the Administrative Services Division.

MILLARD CALDWELL,
Administrator.

Mr. KNOWLAND. Then, Mr. President, I desire to have printed in the body of the RECORD, but I shall take the time to read them, because otherwise the information will not be available to the Senate until the RECORD is printed tomorrow, several telegrams.

The first is one sent by me to the Honorable Robert A. Lovett, Secretary of Defense, Pentagon Building, Washington, D. C., and is dated October 29, 1952:

OCTOBER 29, 1952.

Hon. ROBERT A. LOVETT,
Secretary of National Defense,
Pentagon Building,
Washington, D. C.:

In the New York Times of Tuesday, October 28, appears what purports to be a top-secret memorandum from James Forrestal dated September 26, 1947, released by Senator WAYNE MORSE, of Oregon, in Minneapolis on the previous day. I desire to have the following information:

1. Is the text published a true copy of the document in question?

2. On September 26, 1947, was it classified as top secret?

3. If it has been declassified or downgraded since that time on whose authority and on what dates was such action taken?

4. Does the document still have a security classification and if so what is that classification?

WILLIAM F. KNOWLAND,
United States Senator.

Next—and I am presenting them in sequence—is a telegram I received in reply from the Department of Defense, dated October 30, 1952, from the Office of the Secretary of Defense:

OCTOBER 30, 1952.

Senator WILLIAM F. KNOWLAND,
The Oakland Tribune,
Oakland, Calif.:

Replying to your inquiry of October 29 to the Secretary of Defense CMA as stated by Department of Defense spokesman yesterday, the New York Times press account referred to represents a portion of a classified document dated September 26, 1947, which has not been declassified or downgraded by anyone in the Department of Defense and which still retains the security classification of top secret.

Rear Adm. HAROLD A. HOUSER,
United States Navy, Director, Legislative Liaison.

Unclassified.

Col. G. V. UNDERWOOD,
United States Army, Deputy Director, EXOS.

Next I read a telegram which I addressed to the Attorney General of the United States, under date of November 2, 1952, as follows:

NOVEMBER 2, 1952.

The ATTORNEY GENERAL,
Department of Justice,
Washington, D. C.:

On October 29 I addressed a telegram to the Secretary of National Defense and on October 30 to the Secretary of State reading as follows: "In the New York Times of Tuesday, October 28, appears what purports to be a top secret memorandum from James Forrestal, dated September 26, 1947, released by Senator WAYNE MORSE, of Oregon, in Minneapolis, on the previous date. I desire to have the following information:

"1. Is the text published a true copy of the document in question?

"2. On September 26, 1947, was it classified as top secret?

"3. If it has been declassified or downgraded since that time on whose authority and on what dates was such action taken?

"4. Does the document still have a security classification and if so what is that classification?"

I have now received replies from both the Defense and State Departments stating that the document is still classified as top secret.

Civil Defense Manual M22–1, dated August 31, 1951, defines top secret as follows: "That material and information the security aspect of which is paramount and the unauthorized disclosure of which might cause exceptionally grave damage to the Nation will be classified as top secret. As a general rule, top secret material in time of peace will be limited to that which, if disclosed without authorization, would reasonably be expected to lead directly to a break in diplomatic relations, to war, or to an attack by a potential enemy upon the United States. Very few documents will be classified top secret."

The transmission or the revelation of top-secret information in any manner is contrary to the espionage laws, title 18, United States Code, sections 793 and 794.

In view of the above what steps have the Department of Justice and/or the Federal Bureau of Investigation taken to determine if there has been a violation of the law relative to the release of this top secret classified information?

WILLIAM F. KNOWLAND,
United States Senator.

Mr. President, in reply I received from the Assistant Attorney General, Charles

B. Murray, the following letter dated November 10, 1952:

NOVEMBER 10, 1952.

Hon. WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Your telegram of November 2, 1952, to the Attorney General, regarding the public disclosure of the contents of a memorandum dated September 26, 1947, prepared by the late James V. Forrestal, has been referred to this division for consideration and reply.

The Department of Justice has not requested the Federal Bureau of Investigation to conduct any investigation of this matter pending notification from the Department of Defense that the information in Mr. Forrestal's memorandum was classified for military reasons and was disclosed without authorization. You will appreciate that if the information in question when released had been declassified by the proper military authority because it no longer needed protection against public dissemination, then as such it would be considered to be information in the public domain and not national defense information within the meaning of the espionage statute (18 U. S. C. 793). This interpretation of the espionage statute was made by the United States Court of Appeals, Second Circuit, in the case of *United States* v. *Heine* (151 F. 2d 813).

I trust the foregoing will answer the questions contained in your telegram.

Sincerely,

CHARLES B. MURRAY,
Assistant Attorney General.

I may say, parenthetically, that it does not answer the questions, because it is clear, from the communications I received from the Department of State and from the Department of Defense, that as of the date of the speech of the junior Senator from Oregon and the release of the material, that material was at that time still classified top secret.

I have before me a telegram which I received from Ben H. Brown, Acting Assistant Secretary of State for Congressional Relations, under date of October 30, 1952.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KNOWLAND. I shall be happy to yield after I have read the telegram.

The telegram reads:

WASHINGTON, D. C., *October 30, 1952.*

Senator WILLIAM F. KNOWLAND,
Oakland Tribune, Oakland, Calif.:

In reply to your telegram of October 30 received at 4:01 p. m., the New York Times dispatch referred to a portion of a document dated September 26, 1947, which was then and has since remained classified top secret in the Department of State. It has not been at any time declassified or downgraded in this Department.

BEN H. BROWN,
Acting Assistant Secretary of State for Congressional Relations.

I merely wanted those communications to go into the RECORD at this time since the question of an allegedly classified document has come into the present proceedings of the Senate, and I thought this information should be made available to the Senate for such judgment as it may wish to render upon it.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I was interested in the Senator's reading of the various communications. Is it the Senator's point that if some other Senator, specifically the junior Senator from Oregon [Mr. MORSE], has violated a rule, then that makes it all right for the junior Senator from Wisconsin to violate a rule?

Mr. KNOWLAND. No; that is not my point at all.

Mr. FULBRIGHT. What is the point?

Mr. KNOWLAND. The point of the senior Senator from California is that apparently a question of the release of classified information—and of the very highest classification—was not made the subject of a motion of censure in that particular case—and there may be other such cases—even though the case I have mentioned dealt with a document which both the Department of Defense and the Department of State said was still classified as top secret at the time it was released. Top secret, of course, is the highest classification of government documents and information. I think that the Senate and the country are entitled to have these facts before them in connection with the allegations made in the pending resolution of censure.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. KNOWLAND. I yield further.

Mr. FULBRIGHT. The Senator from California knows that I do not make that point as one of my specifications. I will let the person who is involved make his own explanation.

Mr. KNOWLAND. I recognize that fact. I would not have brought this point up except for the fact that I have read in the press that the release of a classified document has been suggested as one of the bases upon which a resolution of censure might be adopted by the Senate. I merely brought up these matters for the purpose of calling them to the attention of the Senate. At a later time I may want to discuss the matter in more detail. I merely wanted to bring the factual record to the attention of the Senate, although subsequent to the making of the speech and the release of the classified document to the press, the document in question was declassified by the President of the United States. I have never been quite certain in my mind whether that declassification, which came about subsequent to the act of releasing the top-secret document, was done for the purpose of foreclosing any possibility of prosecution under the espionage law, or what the purpose of it was at the time. I doubt very much whether that declassification in and of itself would waive the requirements of the law, which are very clear to the effect that a document cannot be released until it has been declassified. Therefore, I do not believe that declassification after the act would wipe out the act itself.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. FULBRIGHT. That is quite clear, but I hope the Senator from California understands that this matter has nothing whatever to do with the pending resolution, or with the specifications which have been submitted, based upon a resolution. This matter, pertaining to classified information, has no relvancy whatever to the pending business before the Senate. Does not the Senator agree?

Mr. KNOWLAND. I do not quite agree.

Mr. FULBRIGHT. What does it have to do with the pending business?

Mr. KNOWLAND. I assume that the Senator from Arkansas does not mean to say that the only business before the Senate is his amendment, which is pending at the present time. The whole question is before the Senate. Secondly, any allegation that the release of a classified document might be the basis for a resolution of censure, in my judgment, at least, opens up for consideration by the Senate what was done in the past in similar cases by a Member of the Senate. I believe it is pertinent, although it does not relate to the amendment of the Senator from Arkansas, which is the pending amendment. I will say to the Senator that that is the basis for my offering the material at this time.

Mr. FULBRIGHT. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from Oregon.

Mr. MORSE. I shall not take more than 3 or 4 minutes at this time. At a later time I shall present a full and detailed exhibit of evidence on the matter to which the Senator from California has referred. In view of the fact that this charge has been made against the Senator from Oregon, I shall briefly state a highlight or two of the controversy to which the Senator from California has referred.

Mr. KNOWLAND. If the Senator from Oregon will permit me to say so, I wish to make it clear that I have made no charge against him. I have put into the RECORD a series of telegrams and letters exchanged with the Department of Defense and the Department of State and the Attorney General, relating to inquiries which I made at the time following the speech made by the Senator from Oregon in Minneapolis, in which he quoted a top-secret document of the late Secretary of Defense, Mr. Forrestal, which document was put into public print as a result of the action of the Senator from Oregon.

I am not charging the Senator with anything. As a matter of fact, I did little more than to put the facts before the American people and the Senate. I would not have done that except for the fact that my attention has been called in the public press to an amendment which the Senator from Oregon intends to propose to Senate Resolution 301, which is a resolution to censure the junior Senator from Wisconsin [Mr. MCCARTHY]. On page 2 of the amendment proposed to be offered by the Senator from Oregon there appears the following subsection:

(d) received and made use of confidential information unlawfully obtained from a document in executive files upon which document the Federal Bureau of Investigation had placed its highest classification; and offered such information to a lawfully constituted Senate subcommittee in the form of a spurious document which he falsely asserted to the subcommittee to be "a letter from the FBI."

Since the question of confidential information had been brought into the matter, I thought the Senate should have all the facts.

Mr. MORSE. I am sure the Senator from California [Mr. KNOWLAND] will not quibble with me on the interpretation that is made of the statement by the press. I assure him, if he does not want to take judicial notice of it, the interpretation certainly will be: "KNOWLAND charges MORSE with violating classification code," or something of that nature.

Mr. KNOWLAND. I cannot be responsible for what the public press says. We have no censorship in this country.

Mr. MORSE. I do not charge the Senator with responsibility for it. I am sure he will permit me, however, to reply very briefly in my own protection.

I did not hear all the Senator's remarks, but I was briefed when I came in to the Senate Chamber concerning what was said before I entered, and I heard his concluding remarks. Mr. President, it apparently goes back to the incident of my Minneapolis speech during the 1952 campaign. Apparently the Senator from California is not aware of what took place before the Minneapolis speech.

The Republican candidate spoke at Detroit, Mich., during that campaign, on, I believe, a Friday night. In the course of the Republican candidate's speech he castigated the State Department for withdrawing the American troops from South Korea in 1949.

The next morning I had a telephone conversation at some length with the then President of the United States, Harry S. Truman. In the course of that conversation we discussed a memorandum which went to the Secretary of State, signed by the then Secretary of Defense, James Forrestal—a memorandum which had the unanimous backing of the Joint Chiefs of Staff at the time Dwight Eisenhower was Chief of Staff of the United States Army. That memorandum called upon our Government or recommended to our Government that the American troops be withdrawn from South Korea as a matter of military strategy and policy.

President Truman and I discussed that memorandum and its unanimous backing by the Joint Chiefs of Staff. The President of the United States made perfectly clear to me that there was no doubt about the fact that at the time when Dwight Eisenhower was Chief of Staff of the Army, he strenuously urged that American troops be withdrawn from South Korea.

The President of the United States then authorized me to quote from the contents of that memorandum in my Minneapolis speech; and the President of the United States sent the memorandum to my office. There is no question, Mr. President, that the President then and there, by that authorization, declassified the document, which he, as Commander in Chief, had the power and the authority to do.

Mr. KNOWLAND. Mr. President, will the Senator yield to me at that point?

Mr. MORSE. Yes; I yield.

Mr. KNOWLAND. The Senator is reciting most interesting history, and I hope the entire Senate and the country will not miss its significance. As I understand the Senator, in a private telephone conversation, over wires which at least presumably were not security-protected in the sense that the private line between the White House and the State Department is protected, the President not only authorized the Senator from Oregon to disclose top secret information in a political speech in Minneapolis, but he did so without notice to his Secretary of State or to his Secretary of National Defense or to his Department of Justice, and that was done in a political campaign so that the Senator from Oregon could use it in a political speech in Minneapolis. Year after year the Senator from California, the members of the Foreign Relations Committee, the members of the Armed Services Committee, and the members of the Appropriations Committee, to my personal knowledge, time and time again requested that the secret Wedemeyer report on China and Korea be released to a responsible committee of the Congress for the information of the Congress in carrying out its legislative responsibilities under the Constitution. Those requests by official committees, as a result of official committee action, were denied, as any number of Senators on both sides of the aisle can confirm. The Wedemeyer report was denied the Congress, and yet, by a telephone conversation, the former President of the United States, for political purposes, released a top secret document without the knowledge of his Secretary of State or his Secretary of National Defense; and as much as a week later those officials had not been notified that it had been declassified.

I am deeply shocked by the historic revelations the Senator from Oregon is making, and I think the Senate and the country have a right to be shocked, under all the circumstances.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. KNOWLAND. I yield.

Mr. MORSE. Mr. President, what I am saying now I have said on other occasions in many places. There is nothing new about what I am now announcing to the Senate of the United States. I thought it was common knowledge, Mr. President.

I shall not be diverted by any irrelevancies. I shall simply pinpoint the fact, Mr. President, that the document was sent from the White House to my office by the President of the United States, with authority to use the document in answering what, in my judgment and the President's judgment, was a clear misrepresentation of fact by the Republican candidate in his Detroit speech.

To this date, Mr. President, there has been no answer to the contents of that document.

I used the contents of the document in the Minneapolis speech on a Monday, and on the following Wednesday I used it at Town Hall in New York. I called upon the Republican candidate in that speech to answer whether it was true or false that he had joined in a unanimous request on the part of the Chiefs of Staff to withdraw American troops from South Korea. The fact is, Mr. President, he did. The then President of the United States, as Commander in Chief, had complete authority to authorize the use of the document, and he did.

Any charge or innuendo or implication that the Senator from Oregon, in relation to any classified document, acted without the complete authority of the Commander in Chief, the exercise of which authority automatically made it no longer a classified document, cannot be squared with the facts.

Mr. KNOWLAND. Mr. President, at this point I shall have no further comments on the matter. I repeat, I am deeply shocked that during the course of a political campaign, following a telephone conversation, a top secret document should be disclosed and a copy of a top secret document should be furnished to the Senator from Oregon [Mr. MORSE], to be used in a political speech in a political campaign; that it should be done without notice to the Secretary of State or to the Secretary of National Defense; and that when a Member of the Senate of the United States in his official capacity, as I was, telegraphed the State Department and the Defense Department for information regarding the classification, he received from them official reports that the document had not been declassified at the time it was released to the public press.

It seems to me that that is one of the most flagrant abuses of executive power I have heard of, particularly when taken with the fact that time after time the responsible committees of the Congress, proceeding in their official capacity, after action taken in executive session, had requested classified information to which they were entitled in the proper conduct of the foreign relations or the defense policies of the Nation, and were denied time and time again by that same President, classified information which they needed under the Constitution in the discharge of their legislative responsibilities. That a top secret document was released under these circumstances, I say is subject to the condemnation of the Senate and of the Nation as well.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield.

Mr. MORSE. Does the Senator claim that the President of the United States, as Commander in Chief, lacks the authority to make use of such document?

Mr. KNOWLAND. No, I do not claim that he lacks the authority to declassify, but I believe we have a Government of laws and not of men, and that a proper procedure is provided for the declassification of a document. It seems to me that, unless the President was putting himself above the law and above the regulations on security, his proper procedure would have been to have gone to the Defense Department and the State Department and to have ordered the document declassified from top secret to no classification whatever; and after that had been done and he had notified his proper Cabinet officials and heads of the responsible departments, then, and then only, should he have turned over

to the Senator from Oregon for use in a political speech in a political campaign, a document which at the moment he spoke of it was still classified under the espionage laws as top secret.

Mr. MORSE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. I yield.

Mr. MORSE. Assuming the President did not follow the procedure which the Senator from California would have preferred him to follow—although I am not at all satisfied that he did not——

Mr. KNOWLAND. Unless false official reports have been sent to me, he did not follow that procedure.

Mr. MORSE. I am not at all satisfied that the Pentagon Building was not well aware of what the President was doing; but assuming he did not follow the procedure which the Senator from California would have liked the President to follow, can the Senator cite any legal requirement, any statutory law, which required the President of the United States to follow the procedure which the Senator has just outlined?

Mr. KNOWLAND. I have already placed in the RECORD the regulations dealing with security classifications. I think I shall be prepared to go into them further, and to show that the prescribed procedure was not followed.

Mr. MORSE. Mr. President, will the Senator yield for a further question?

Mr. KNOWLAND. Yes.

Mr. MORSE. Does the Senator wish to dispute that those regulations relate to the action of subordinates of the President, but do not place a requirement upon the President of the United States to follow any particular procedure, when in his wisdom and discretion he thinks a particular document should be declassified?

Mr. KNOWLAND. The junior Senator from Oregon and I apparently differ. I have the highest respect for the office of President of the United States, whether that office be occupied by a member of my party or by a member of the opposite political party. I was brought up as a youngster to respect the great office of President of the United States. I respect it as being probably the most powerful office in the world today, certainly under any constitutional form of government. But, in my view, even the President, great and powerful as he is, is subject to the Constitution of the United States and to the statutes of the United States, and is not above the law.

Mr. MORSE. Mr. President, will the Senator yield for a further question?

Mr. KNOWLAND. I yield.

Mr. MORSE. I certainly agree with the distinguished Senator from California that the President is subject to the Constitution and statutes of the United States when they pertain to him. But if there is no statute which requires the President to follow any particular course of action in declassifying a document, then I think it is perfectly obvious that, as Commander in Chief, it falls within his discretion and his judgment to declassify, if, in his opinion, a document no longer, from the standpoint of public security, requires classification.

Mr. KNOWLAND. If the President of the United States is acting in his capacity as Commander in Chief of the Nation, the Senator may well be correct. But if he is acting as the head of a single political party, and declassifies information in a political campaign for use in a political speech, he is not acting under his constitutional authority as Commander in Chief by any reasonable interpretation of the laws or the Constitution.

Mr. MORSE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. I yield.

Mr. MORSE. There is no doubt in my mind that Harry S. Truman was acting in his capacity as Commander in Chief of the Nation in supplying the American people with the facts in regard to the particular document concerned, which showed very clearly that, after all, the decision to withdraw American troops from South Korea in 1949 was a decision which rested upon military urging for some time prior thereto.

Mr. KNOWLAND. Then it seems to me that if the President was acting in his capacity as Commander in Chief and as President of the United States, his action was not in accordance with orderly procedure.

I may say to the Senator from Oregon that I would be as critical of President Eisenhower, if he released documents under such a situation, as I am of the former President of the United States. I remember when the former Senator from Idaho, Mr. Taylor, rose in the Senate and made an attack on both the President and one of his top Cabinet officers. This was some years ago, when I was a newer Member. I came upon the floor and made a speech in defense of the President of the United States, because of the high regard I have for the office.

I speak in no narrow partisan sense, but it seems to me that if the President, acting as President of all the people, and as Commander in Chief of the Armed Forces, without following the procedures which had previously been outlined for declassifying documents, gave the information to the public press at the White House, which is very well covered by the press, that would be one thing. He could have released the document on his own responsibility so that not only the junior Senator from Oregon, who was speaking on behalf of the Democratic nominee for the Presidency, but all America could have had a copy of it, and if he had added to it, extenuating circumstances, if there were any, other secret documents, which threw a different light upon the subject, at least the members of the opposite political party, as well as the group with which the Senator from Oregon was then associated, might at least have had the facts. It would seem to me that the President then would have been acting properly in accordance with his responsibilities as President of the United States, and as Commander in Chief of the Armed Forces.

Mr. MORSE. Mr. President, I desire to finish my very brief discussion with the distinguished Senator from California. It will take me about 2 minutes to do so.

I wish to make it very clear that, in my judgment, the then President of the United States, Mr. Truman, is in no way subject to any criticism for the course of action he followed in regard to the particular document which has been referred to by the Senator from California. In my judgment, President Truman followed a course of action clearly within his power as Commander in Chief. He felt that the statement by the Republican candidate in his Detroit speech, concerning who was responsible for withdrawing the troops from South Korea in 1949, went to a matter of great public concern.

He had authority as Commander in Chief, and he was required by no procedure other than the procedure which he followed, if he wished to follow it, to make certain quotes from that document available to the American people, and he did so.

If anyone believes that any great offense or any small offense was committed by the junior Senator from Oregon, I would welcome a resolution of censure being filed in the Senate in regard to that matter, which would afford an opportunity to bring out evidence in regard to the entire background of the particular incident.

I close by saying, as I said in Minneapolis, and as I said on the following Wednesday in New York, at a Town Hall meeting, that I would not have used the document if I had not received authorization from an authority high enough to give it to me, so as to inform the American people as to the substance of the document. No one seemed to be surprised at that time as to the source of the authority. Everyone in the country, so far as I knew, save a few on the Republican side, knew who had authorized the use of the document. When it was authorized, Mr. President, it ceased to be a classified document, and it ceased to be a classified document by the authority of the Commander in Chief, who had the power to declassify it.

Mr. FLANDERS. Mr. President, I have been much disturbed by reports in the press that I would be willing to see the resolution of censure referred to a committee. I have been cudgeling my memory as to when and where I have made any statement which could be so interpreted. It has never been my feeling that the resolution should be referred to a committee; it has never been my purpose to ask for that, nor am I willing to vote for a reference to committee. So I trust that this statement of mine may have some such spread of publicity as had the misunderstood statement that I was willing to have the resolution referred to committee.

With regard to having the resolution referred to committee, it seems to me very clear that the last excuse for so doing would be removed if the Senate accepted any or all of the amendments proposed by the Senator from Arkansas [Mr. FULBRIGHT] last Saturday. Each one of the six proposed amendments goes back to official records, either to the CONGRESSIONAL RECORD itself or to the official records of committees. There is no need to go back to those records. There is, therefore, no need to have any

further testimony, in my judgment, on these matters, since the records are official, and since it is on the face of the records that the resolution of censure is based.

Six amendments have been offered; and I now ask the Chair whether, if the amendments are presented one by one, the Senate is free to vote them up or down.

The PRESIDING OFFICER. The answer is "Yes." The pending question, however, is on the perfecting amendment offered by the Senator from Arkansas [Mr. FULBRIGHT] to the resolution offered by the Senator from Vermont [Mr. FLANDERS].

Mr. FLANDERS. The resolution as proposed to be amended, is still the pending business of the Senate. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FLANDERS. So the Senate is perfectly free to consider the amendments one by one, and vote on them; and then the resolution, as amended, if amended, would continue to be the pending business before the Senate. That clears up a situation in my mind which has been rendered somewhat foggy by statements in the press that it would require unanimous consent to act on those amendments. I am happy to learn that is not so.

If the junior Senator from Wisconsin—Why is it I keep on thinking about the junior Senator from Wisconsin? [Laughter.] It is one of those things that is completely inexplicable. I now say that if the Senator from Arkansas wishes to call up his amendments, I shall be glad to express my own feeling and my own purpose with regard to them, one by one.

The PRESIDING OFFICER. There is but one amendment pending. When that amendment shall be disposed of, other amendments may be called up and disposed of.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Goldwater	McCarthy
Anderson	Gore	McClellan
Barrett	Green	Millikin
Beall	Hayden	Monroney
Bennett	Hendrickson	Morse
Bricker	Hennings	Mundt
Bridges	Hickenlooper	Murray
Burke	Hill	Neely
Bush	Holland	Pastore
Butler	Humphrey	Payne
Byrd	Ives	Potter
Capehart	Jackson	Purtell
Carlson	Jenner	Robertson
Case	Johnson, Colo.	Russell
Chavez	Johnson, Tex.	Saltonstall
Clements	Johnston, S. C.	Schoeppel
Cooper	Kennedy	Smathers
Cordon	Kerr	Smith, Maine
Crippa	Kilgore	Smith, N. J.
Daniel	Knowland	Sparkman
Dirksen	Kuchel	Stennis
Douglas	Langer	Symington
Duff	Lehman	Thye
Dworshak	Lennon	Upton
Ellender	Long	Watkins
Ervin	Magnuson	Welker
Flanders	Malone	Wiley
Frear	Mansfield	Williams
Fulbright	Martin	Young
George	Maybank	
Gillette	McCarran	

The PRESIDING OFFICER. A quorum is present.

Mr. KNOWLAND. Mr. President, I move to refer the pending resolution (S. Con. Res. 301), together with all amendments proposed thereto, to a select committee to be composed of 3 Republicans and 3 Democrats who shall be named by the Vice President; and ordered further that the committee be instructed to act and to report to the Senate as expeditiously as equity and justice will permit.

Mr. MONRONEY rose.

Mr. KNOWLAND. Mr. President, I wish to make a brief explanatory statement, and then I shall be glad to yield to the Senator from Oklahoma.

Mr. President, this motion does not cut off debate on either the pending resolution or the amendments, or on the question of the advisability of my motion. It is not in the nature of a tabling motion that would cut off or foreclose debate.

In the past several days a considerable number of varying points of view have been presented to the Senate. A very large backlog of legislation is awaiting consideration by this body. There have been several suggested groups of allegations, charges, or specifications. It seems to me the time is coming when the Senate must decide whether, in effect, it is to sit almost as a court of impeachment, or as a Committee of the Whole, to take testimony on the various allegations and specifications, and in equity and justice hear the testimony pro and con, supporting or refuting each of the so-called allegations, or whether the controversy is to be referred to a committee which, with equity and justice, can consider the charges and take testimony.

So far as I know, there has never been a case of censure in the Senate with respect to which there has not been committee action.

While, as a general rule, I believe that the party which is charged with the responsibility of organizing the Senate should have a majority on all committees, I believe that in a situation of this kind it is important that there be no partisan tinge to any action which may be taken.

I would hope that in the selection of the members of the committee the Vice President would be guided by the desire to appoint from both sides of the aisle Senators who have not become active partisans on one side or the other of this question for membership on the committee, and that when the committee comes to make its report, it will be able to do so in as judicial an atmosphere as possible under the circumstances.

Mr. IVES. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield.

Mr. IVES. Is it the intent or desire of the Senator from California that the report of the committee be made before this Congress adjourns?

Mr. KNOWLAND. I will say to the Senator from New York that it would be very desirable, if possible, that the report be made before the Congress adjourns. But I also point out, Mr. President, merely by way of expressing a personal opinion, that I do not know how many additional charges or specifications may be brought forth. I do not know whether such charges will be supported by affidavits or testimony. I do not know whether, in equity and justice under the circumstances, the committee should swear witnesses or obtain affidavits or take such action as a committee might take in a semijudicial proceeding. I would not want the committee to operate, in effect, with a gun at its head and with the Senate saying, in effect, "No matter whether you have had an opportunity to take sworn testimony or obtain affidavits, no matter whether you have not completed your job or not, you are to report within 3 days, willy-nilly." I do not think that would be in keeping with the dignity of the Senate or consonant with proper proceedings in a case in which the Senate is being asked to censure and condemn a Member of this body.

Mr. IVES. Mr. President, will the Senator yield again for a question?

Mr. KNOWLAND. I yield.

Mr. IVES. Does not the Senator from California feel that it would be advisable to set a date, by which the committee would have to make some kind of report, rather than to leave the date open, with the result that nothing would be done before adjournment?

Mr. KNOWLAND. I do not know what date we could set. In the first place, I do not know how long this session is to continue. I do not know whether we shall be in session for 10 days, 2 weeks, or a month longer. If we become involved in prolonged discussion, we may be in session for 2 or 3 months longer, until Thanksgiving. So frankly I do not know what date could be set, by which the committee should be required to report. Furthermore, only last night certain additional allegations or specifications were brought forward.

I have no way of knowing whether 15 or 20 or more resolutions may be submitted, making allegations which may or may not be supported by sworn testimony or committee action.

Again I say that I would hope that members of the committee from both sides of the aisle would be Senators who had not become partisans in this controversy. I do not believe we should appoint a committee of that caliber and standing, and then point a gun at their heads and say, "Regardless of what the allegations are, regardless of whether there are any supporting affidavits or testimony, you must submit your report by a certain day, come what may." That would be as improper as it would be to tell a court of justice that it had to proceed in that way.

Mr. IVES. Mr. President, will the Senator yield for a further question?

Mr. KNOWLAND. I yield.

Mr. IVES. I merely wish the Senator from California to understand that I have no idea of advocating holding a gun at the head of any committee or any Member of the Senate. However, it seems to me that some definitive action should be taken prior to adjournment. Therefore, I suggest that the motion be amended so as to call upon whatever

committee may be created to make a report prior to adjournment. I am not proposing any fixed date.

Mr. KNOWLAND. That is entirely in the hands of the Senate. I assume the committee could make an interim report, if it desired to do so, stating that, in view of the number of charges and the necessity of obtaining sworn testimony, or whatever the facts might be, the committee was not prepared to report before adjournment, if that should be the case; or, if the committee could complete its work and submit a report, I am sure every Member of the Senate would like that to be done.

Mr. IVES. Mr. President, will the Senator yield for another question?

Mr. KNOWLAND. I yield.

Mr. IVES. Would it not be possible after receiving an interim report for the Senate to consider what might be done by way of further action?

Mr. KNOWLAND. The Senate is always in complete control of its proceedings, and could give its instructions to the committee. In view of the discussion and in view of what I think at least would be a very bad precedent if the Senate should proceed to vote on certain allegations, some of them without supporting testimony, none of them made affirmatively, I believe it would not be wise to have the Senate put in the position of voting on such allegations without the help of witnesses or without resolving itself into a Committee of the Whole and taking necessary sworn testimony.

If we were to do that, we would have to be prepared to remain in session for perhaps 3 or 4 weeks; and in the meantime we would not be able to act on the supplemental appropriation bill, the foreign-aid bill, the farm bill, and all the other proposed legislation which must be acted upon by the Senate.

Mr. IVES. Mr. President, will the Senator yield further?

Mr. KNOWLAND. I yield.

Mr. IVES. Would the Senator be willing to amend his motion so as to provide that the committee should make a report before adjournment?

Mr. KNOWLAND. I will say to the Senator from New York that I will certainly be glad to consider his suggestion. I am not prepared at this time to modify my amendment. It is entirely within the discretion of the Senate to do so. My motion is not made for the purpose of delaying or foreclosing debate. I am not pressing for a vote on the motion at this particular time. I hope during the course of the day we may have discussion of the various alternative proposals which may be made. The Senator from New York has made one suggestion. There may be other suggestions made during the day. I am merely making the motion because I have in mind the alternative which is now before the Senate, under which the Senate may be called upon to vote on certain allegations without supporting testimony having been taken by any committee, or any report having been rendered.

Several Senators addressed the Chair.

Mr. KNOWLAND. Mr. President, I promised to yield first to the Senator from Oklahoma. Then I shall yield to the Senator from New Jersey.

Mr. MONRONEY. Mr. President, having had experience with the junior Senator from Wisconsin in the case in which former Senator Baldwin, of Connecticut, was pilloried rather strongly for his participation in the Malmedy incident—and his experiences were given as a part of the reason for his resigning from the Senate—having in mind the Tydings case, involving charges made by the junior Senator from Wisconsin, having in mind the experiences in the Maryland election case, in which the junior Senator from Wisconsin played a very prominent part, having memories of the Gillette case which involved consideration of the Benton resolution with reference to the expulsion of the junior Senator from Wisconsin, and having seen on television and witnessed personally the farce of the recent Army-McCarthy hearings, and in view of the fact that there have been five committees dealing largely with the subject matter of the resolution submitted by the distinguished Senator from Vermont, in the light of the knowledge of history which all Members of the Senate have as a result of awareness and observation, I wonder if a sixth committee, created for the purpose of arriving at conclusions based on the facts which have developed in the course of the other committee hearings, could conceivably meet and come to a conclusion before the adjournment of the next Congress. It seems to me that the proposal to refer this case to a select committee would amount to indefinite postponement, putting it on ice, and avoiding meeting the issue head on.

Mr. KNOWLAND. If the Senator will permit an interruption, in the first place, if the Senate, by resolution, appoints a committee representing both political parties, the committee will do its duty in as judicial an atmosphere as it is possible to find. I do not believe that such a committe would be intimidated. I do not subscribe to the intimation of the Senator from Oklahoma that we are a body of intimidated men.

In the second place, I point out to the distinguished Senator from Oklahoma—and I say this in all good humor and kindness—that one of the committees to which the Senator referred took testimony during a time when the Senator's party was in control of the Senate.

The subcommittee involved made no report to the full committee and made no recommendation of either censure or expulsion, or whatever else it might have done. At that time the Senator and his party were in control of the Senate, and if the committee had felt that the matter warranted action, it could have come to the Senate with a recommendation for censure or any other action. That was not done. Since that time the junior Senator from Wisconsin has been reelected by the people of Wisconsin. The Senator who made the charges before the committee, the former Senator from Connecticut, Mr. Benton, has been defeated by the voters of Connecticut.

I say to the Senator from Oklahoma that subsequent to that time the junior Senator from Wisconsin presented himself before the Senate and took his oath of office as a United States Senator.

Since that time the Senate has elected both the majority and minority members of its committees.

Since that time the Senate itself has acted on a resolution providing certain funds for the Committee on Government Operations. If the Senator's theory is that various committees, operating in the past and dealing with various subjects having no relation to a resolution of censure or condemnation, should be brought together in a general hodgepodge and, based on that, a United States Senator should be censured and condemned, without hearing and without the matter being laid before a committee, which would take sworn testimony, in a quasi-judicial atmosphere, the Senator may follow that course if he wishes.

I shall not vote to condemn or censure a Senator unless he has had an opportunity to have the facts presented before a fair and impartial committee, and until that committee has had an opportunity to report to the Senate.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. MONRONEY. As I understand the bill of particulars presented by the junior Senator from Arkansas [Mr. FULBRIGHT], every item specified in the bill of particulars is a matter which has been sworn to before a standing committee or a subcommittee of a standing committee, and that all the specifications are matters of record. At least one of them, the one pertaining to the Lustron Corp., has never been denied. The Senator from Wisconsin never denied that he received a $10,000 fee from the Lustron Corp. for the article that was printed under his name.

Mr. KNOWLAND. Mr. President, at that point——

Mr. MONRONEY. That is a matter of record. It is up to the Members of the Senate to consider whether, as the junior Senator from Arkansas said on Saturday, that is a proper exercise of the high conscience of the United States Senate.

Mr. KNOWLAND. If the Senator will yield at that point——

Mr. MONRONEY. No one has suggested that it is a subject for criminal prosecution.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The Senator from California has the floor.

Mr. KNOWLAND. Let me say to the distinguished Senator from Oklahoma that he has no higher conscience, at least, I do not think he has, than I have, sitting in this chair. I do not believe he has any greater obligation to discharge properly his oath of office as a Senator of the United States than I have. I am merely saying that I would not want to condemn any Senator—and I would feel this way about my most bitter opponent—until he has had an opportunity to know the charges that were being presented against him, and until he had been served with a bill of particulars and had had an opportunity to hear sworn testimony and had had an opportunity to offer refutation and extenuating cir-

cumstances, and until a committee of his peers could consider the subject in a judicial atmosphere, not in a political atmosphere.

It seems to me that the party of which the Senator is a member has quite a responsibility if it had the knowledge of certain facts and did not present a resolution of censure or of expulsion to the Senate when it was in control of this body. Certainly the Senator is not going to take the position that it did not do it then because the junior Senator from Wisconsin was very powerful, but now that perhaps he has been a little crippled, it can do now what it was not willing to do then.

I am reminded of my father telling a story of going to the Washington Zoo. He was walking through the zoo and went by a tiger's cage. The tiger started jumping at the bars and was very ferocious. It had been quite calm prior to that time. My father went to the keeper and said, "I have been here many times during my 12 years in Congress, and I have never before seen that animal act in that way." The keeper said, "Perhaps you don't understand the psychology of animals. If you had noticed carefully, there was a crippled man who walked by the cage a little while ago. The tiger recognized that he was crippled, and he acted then as he would not have acted otherwise."

Certainly the Senator from Oklahoma is not taking the position, because perhaps the Senator from Wisconsin looks a little weaker now than he did when the Senator's party was in control, that he would do now what he was not willing to do then. Is that the basis upon which we are to make judicial determinations in the Senate of the United States?

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KNOWLAND. Regardless of what the Senator's opinion may be about that, I do not think the great majority of the Members of this body want to condemn and censure a man without giving him, so to speak, his day in court.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I think the Senator well knows that the junior Senator from Wisconsin was invited on many occasions, not only once, but repeatedly, to come before the Gillette committee, and to have the full-time advice of counsel, and to present any and all material relating to some of the subject matter before the Senate today.

Also, in regard to the junior Senator from Wisconsin being a crippled man, if he is crippled he has crippled himself before the country by his own exposure of McCarthyism on the television sets of the Nation. So nothing that has happened on this side of the aisle or on the other side of the aisle has resulted in perhaps his fall from power.

The Senator might also care to look at the date on which this report was compiled, and recognize that it had to be compiled after Senators had gone through the campaigns preceding their own election and the election of the President of the United States. In the atmosphere of a political campaign, they were not able to conduct an investigation. I think it was quite proper that their investigations were suspended during that period in order to relieve so far as possible the political connotations which might have resulted on one side or the other. From about November 5 or 7 until January, the committee worked hard in preparing its report, and the report was filed on January 2. There was no time for the 96 Members of the Senate to examine the hearings which were printed, the photostatic copies of exhibits, and the report. There was no action that could reasonably have been taken before January 3, when the junior Senator from Wisconsin was sworn in.

I resent the matter being placed on the basis that the junior Senator from Wisconsin is crippled.

Mr. WELKER. Mr. President——

Mr. MONRONEY. I do not believe the Senator from Vermont [Mr. FLANDERS] is a man who goes around kicking cripples. I do not think that anyone else on either side of the aisle is of that nature.

Mr. WELKER. Mr. President——

Mr. MONRONEY. It seems to me that if it is not desired that there be a vote on the matter before the Senate, certainly we should give some consideration to the committee of Democrats and Republicans who, through long, long weeks of hearings, went into a test tube investigation of McCarthyism. Certainly we might look forward to the report of the committee that has had the advantage of seeing and hearing and knowing all that went on. At least the majority leader might give us hope that we could have a majority report and, if it is a majority report by both the Democrats and the Republicans, have it before the Senate for its approval or rejection.

Mr. KNOWLAND. Mr. President, if the Senator will permit me at that point, it is not the Senator from California who has precipitated this matter before the Senate prior to the report of the distinguished committee under the chairmanship of the Senator from South Dakota [Mr. MUNDT] and on which the distinguished and able Democrat from Arkansas [Mr. MCCLELLAN] serves. I pled privately and otherwise a number of times in the hope that this matter might be delayed at least until the time the committee could report to the Senate, but the proponents of the pending resolution and of the amendments to the resolution are proposing that the Senate vote before the committee has even a chance to report. On that committee an able and distinguished group of Democrats are serving, some of the ablest Members of the Senate.

Mr. MONRONEY. The junior Senator from Oklahoma will say to the distinguished majority leader that, along with many other Senators, we would like to see a vote taken on this matter, which is perhaps more important than any other subject before the Nation.

Mr. WELKER. Mr. President——

Mr. MONRONEY. I feel we should have some way of coming to a vote. It might be better to have before the Senate the report of the committee which conducted the Army-McCarthy hearing, or it might be better to have a vote on the resolution of the Senator from Vermont, with the bill of particulars proposed by the Senator from Arkansas [Mr. FULBRIGHT]. Certainly we should face up to the challenge, since most of the complaints heard today of abuses of power which have occurred, arise because the junior Senator from Wisconsin is acting as the agent of 96 Members of the United States Senate in the investigations he is conducting. The responsibility is not only that of the junior Senator from Wisconsin; the responsibility for every action rests on every one of the 96 Members of this great parliamentary body.

Mr. KNOWLAND. I have not denied that, and in my remarks the other night I pointed out that the responsibility rested on the Senate, and that it was a responsibility which each Member of the Senate would have to share. But I think there are orderly procedures.

As some of the most distinguished Democratic Members of this body have pointed out, even if one sees a man commit a murder, is a witness to it, the murderer is not condemned and lynched at that point. He is at least given an opportunity to appear before a jury and to have a trial. He is assumed to be innocent until proven guilty. I am only calling for orderly procedures.

I have been a Member of this body for only 9 years, but I know that precedents which are established today may guide our successors for the next 100 years—if America survives 100 years, as I believe it will—and long beyond that. The precedents we establish in acting on the case of a Member of the Senate today, as I pointed out the other night in my remarks, may be likened to throwing a stone into a millpond. The ripples go out, and no man knows where or when they will stop.

At least we should try, as a responsible body, Democrats and Republicans alike, to follow orderly procedures, so that if, in the future, censure action is brought against another Member of this body, be he Democrat or Republican, we shall at least have established fair and equitable procedures that will do justice to the Senator against whom the attempt to censure is made, and also do justice to the Senate. That is my only plea.

Mr. SMITH of New Jersey and Mr. WELKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield, and, if so, to whom?

Mr. KNOWLAND. I yield first to the Senator from New Jersey.

Mr. SMITH of New Jersey. Mr. President, if I correctly understand the motion of the Senator from California, it is that this subject be referred first to an ad hoc committee for consideration of the so-called charges against Senator MCCARTHY. It seems to me that that is too narrow an approach. That is the reason I submitted my resolution today.

I shall read this language and ask the Senator from California [Mr. KNOWLAND] if he is willing to accept it as a

statement of the purpose of the committee rather than merely to provide for a trial of Senator McCarthy:

Resolved, That the Senate views with real concern the growing divisiveness and disunity in the Senate and throughout the country over the problems created by the fact that there had been infiltration of Communists and other security risks into sensitive positions, and the methods and procedures employed in exposing and eliminating such security risks; and be it further

Resolved, That it is the immediate responsibility of the Senate to deal with this critical situation in an objective, judicial, and statesmanlike manner.

I suggest that we further resolve to refer the subject to a committee, so that the entire field may be covered and not merely the trial of the junior Senator from Wisconsin.

Mr. KNOWLAND. I may say to the Senator that, so far as I personally am concerned, I am willing to consider any suggestions made by the Senator. I am not prepared to modify my motion at this time. I wish to say that at least one of my objections to the Senator's resolution is the proposal that the Vice President of the United States should serve as chairman of the committee. I object to that for two reasons.

First, with a committee membership of 7 there would be a partisan majority of 1. In a matter of this kind, if a decision were finally reached on a 4 to 3 basis, even though it were a sound decision, the committee immediately would be subject to the charge that the decision was a partisan one. In a matter of this kind, I do not think the Senate should get into that kind of situation.

Second, the Vice President of the United States primarily is a member of the executive branch of the Government. It is true that one of his responsibilities is to preside over the Senate of the United States, but that is his only legislative responsibility. Since the President of the United States has made it very clear that he believes this to be a matter for determination within the province of the United States Senate, I do not believe the executive branch of the Government should be brought into a determination of the decision of the committee.

Those are the reasons why, frankly, I oppose the suggestion of the Senator from New Jersey that the committee should consist of an equal number of Republicans and Democrats, and to be presided over by the Vice President.

Mr. SMITH of New Jersey. I have no objection to leaving the Vice President off the committee, but I would recommend that the suggestions for membership on the committee be made by the respective policy committees. My thought is that the entire subject is one which is bigger than simply an investigation of the junior Senator from Wisconsin.

Mr. KNOWLAND. I think there is a great deal of merit in the Senator's suggestion, save for the appointment of the Vice President as chairman, that prior to the appointment of any committee, suggestions should be received from the policy committees and the leadership on both sides of the aisle.

Mr. SMITH of New Jersey. Does the Senator from California desire to have the Senate vote on his motion at this time?

Mr. KNOWLAND. No. I have made it clear that I am not pressing for a vote at this moment; but I think the motion should at least be before the Senate. The Senate should counsel together on it. There may be other suggestions to be made. But I think before the Senate reaches the point of voting on specific allegations, it should, at least, determine whether it wishes to proceed to a vote on what, in effect, will be considered a condemnation and censure of a Member, without, at least, receiving sworn testimony to uphold the charges.

Mr. SMITH of New Jersey. I desire a wider approach than simply to make this a trial of the junior Senator from Wisconsin, because otherwise there would be television and hoopla, and I am opposed to that.

Mr. KNOWLAND. I certainly hope that the proposed committee would not open up its hearings to television and similar activities. I am merely expressing my own feeling in the matter, but I think such hearings should be conducted in as nearly a judicial atmosphere as it would be possible to achieve. There are many fine, able Senators, among them eminent lawyers, who have not become partisans one way or the other in this matter. I hope the leadership on both sides of the aisle would seek to place the most qualified Members on the committee.

Mr. SMITH of New Jersey. My hope is that there will be an avoidance of the atmosphere of a trial.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. KNOWLAND. I can yield to only one Senator at a time. I yield first to the Senator from Missouri.

Mr. HENNINGS. Mr. President, I thoroughly agree with the distinguished majority leader that orderly procedure is an essential element in any investigation which a committee or any other responsible tribunal undertakes.

I assume, from the suggestion which has been made, I may say to the distinguished majority leader, that another committee will be appointed to study the activities of the junior Senator from Wisconsin. I can speak with some slight degree of feeling about that, because I was assigned to a subcommittee which, for 3 years, in one way or another, investigated a similar matter. For the greater part of 3 years I perforce, not because I wanted to be, was assigned by the leadership of my party, to the Subcommittee on Privileges and Elections. I soon began to wonder whether I had been sent to the Senate of the United States to do anything else but to consider and study matters relating to the sweep and the scope of the activities of the junior Senator from Wisconsin.

The PRESIDING OFFICER (Mr. Payne in the chair). The Chair requests visitors in the galleries to try to be as quiet as possible when they move from one location to another, in order that the debate on the floor may be clearly heard.

Mr. HENNINGS. The Subcommittee on Privileges and Elections consisted of the distinguished then junior Senator from Maine [Mrs. Smith], the distinguished Senator from Oklahoma [Mr. Monroney], the distinguished Senator from New Jersey [Mr. Hendrickson], and myself. We began what we thought was a nonpartisan investigation of the Maryland senatorial election. We thought we were, as the distingished majority leader has stated, a nonpartisan committee. The fact that we made a unanimous report, as to which Republicans and Democrats on the subcommittee had no serious disagreement in what we recognized to be principles, propriety, and justice, would seem to have indicated that we were a nonpartisan committee, or a bipartisan committee, if Senators please. But no sooner had the report been submitted to the Senate than we were charged with being the most intense sort of partisans; and I believe the charming soubriquet or phrase was applied that we were "just a bunch of puny, cheap politicans."

I wonder if it has been considered how long a nonpartisan committee should investigate a matter of this character, with respect to the subject of the investigation, and continue to be considered as a nonpartisan or a bipartisan committee. That is one thing which bothers me.

Again, in terms of the later investigations—and I hope I may refresh the memory of the majority leader, who may have forgotten some of these things—I lived with them for 3 years, and I shall never forget them. I am certain that some of our friends found a sort of amusement in the activities of the subcommittee. Perhaps they were sympathetic—I hope, and they may have been sympathetic for occasionally I was commiserated with by persons outside the Senate—but, at any rate, there were not many Senators who became very indignant about the various charges and accusations directed at the subcommittee making the investigation.

I recall particularly the indignation of the distinguished Senator from Maine [Mrs. Smith], when she and three others of us were charged with picking the pockets of the taxpayers in connection with certain investigations—in other words, we were charged with thievery. We were charged, first, with wanting to stop investigations of communism, the implication being that we were speaking for the Communists; that we wanted to see the Communists flourish; and that we would do anything to stop the man who was imbued with a desire to expose Communists, and was trying to do something to stop them.

I should like further, and most respectfully, to suggest to the majority leader that we had another problem, which was that we were never able to get the junior Senator from Wisconsin to appear before the subcommittee, except on one occasion. He was invited five times, but did not appear before the sub-

committee upon any occasion except one, and that was in order to testify with respect to a resolution which the junior Senator from Wisconsin himself had introduced, in order to investigate another Senator, former Senator Benton, of Connecticut. That resolution, my distinguished friend the majority leader may recall, charged Senator Benton with any number of things. The bipartisan or nonpartisan nature of the subcommittee was demonstrated, Mr. President, when it criticized former Senator Benton. The subcommittee criticized Senator Benton for conduct which it thought to have been unfortunate for the Senator.

Mr. KNOWLAND. Did the subcommittee recommend a censure resolution to the Senate?

Mr. HENNINGS. We recommended no censure resolution. I shall come to that in a moment. We recommended no censure resolution for this reason: The Senator is aware that there was a considerable turnover in the membership of the committee. I do not believe any Member of the Senate ever has applied for membership upon the Subcommittee on Privileges and Elections. I believe there were five resignations from that subcommittee during the time following submission of the resolution of the junior Senator from Wisconsin relating to Mr. Benton, and the resolution of Mr. Benton relating to the junior Senator from Wisconsin.

There was a constant turnover of membership on the subcommittee. I had been spending my time during the recess not so much in campaigning but as Vice Chairman of the Commission studying the Missouri Basin, which Commission had been appointed by the President of the United States to study the land and water-use problems of one-sixth of the Nation. I had spent the entire summer and fall and as much of the winter as I was able to devote to the task before the 83d Congress came back in session, traveling up and down the valley from Canada to the Mississippi River holding hearings. I was devoting my time to that work.

However, I was called in, together with other Senators, when the distinguished Senator from Iowa [Mr. GILLETTE] felt, because of reasons set forth in this report. he should resign from the subcommittee. I was then told that I was scheduled to become chairman of the subcommittee. I demurred, stating that I had certain responsibilities in connection with another commission, which I had asked the President of the United States to appoint, relating to flood and drought and water uses, things which I thought were extremely urgent and very important.

However, I was told that the subcommittee would disintegrate if I refused to accept the chairmanship, so I accepted the chairmanship.

The subcommittee tried to be impartial. We tried to be fair. We again invited the junior Senator from Wisconsin to come before the committee, and the Senator ignored our repeated invitations.

I should now like to make a comment relative to the inquiry of my friend, the Senator from California, about the failure of our subcommittee to bring in a resolution of censure or a resolution recommending expulsion.

In that period of time I returned from my State, out in the Missouri Valley, I believe the distinguished Senator from Iowa [Mr. GILLETTE] resigned on the 26th of October. Is that correct?

Mr. GILLETTE. I am not sure about the date.

Mr. HENNINGS. Whatever date it was, I then became chairman of the subcommittee.

If the Senator from California will bear with me, since I think the history of this case is important, for it has been referred to several times——

Mr. KNOWLAND. I am bearing with the Senator.

Mr. HENNINGS. I do not like to keep the Senator on his feet while I go into all these particulars. I probably should have presented this history on my own time.

Mr. KNOWLAND. I think the Senate desires to have all the pertinent facts.

Mr. HENNINGS. It seems to me this is germane; and I shall be glad to be corrected if I misstate any fact, because it is not my purpose to color or misstate any of the things of which I may have some particular knowledge.

Immediately upon assuming the chairmanship of the subcommittee, which for more than a year had been investigating the so-called Benton resolution and the so-called McCarthy resolution, I had a conversation with the counsel who had recently come to the committee. I believe he had been appointed by the Senator from Iowa [Mr. GILLETTE], or possibly by the distinguished Senator from Arizona [Mr. HAYDEN]. At any rate, the subcommittee had a new counsel.

I told the counsel, "Immediately during the period between now and the presidential election, begin the investigation. Do not slant the investigation. We want only facts which can be sworn to under oath; and everything any witness who is before this subcommittee has to say with respect to either the Senator from Connecticut or the junior Senator from Wisconsin must be testified to under oath."

I am sure the Senator from New Jersey [Mr. HENDRICKSON], who is present in the Chamber, will bear me out in that statement.

The subcommittee then consisted of the Senator from New Jersey [Mr. HENDRICKSON], the Senator from Oklahoma [Mr. MONRONEY], and myself. Coming back on November 5, we learned that the investigation had not been completed by Mr. Paul Cotter, who was then chief counsel of the subcommittee. We then undertook to tell Mr. Cotter that we wanted the investigation completed as soon as possible, so that we could hear the testimony, weigh the evidence, and make a report. We had a deadline, the termination of the 82d Congress, which was very important. Time was an element of the greatest importance.

Mr. Cotter then said he would require another 2 weeks, as I recall. The committee remained in Washington, though I believe the Senator from New Jersey returned home. I remained in Washington.

The subcommittee had other election matters to consider during that period of time. As I recall, there was the Michigan election, certain things which had to do with the Maine election, and other matters. We sat as a subcommittee during that period, the Senator will recall, hearing complaints, taking testimony, and listening to lawyers, with regard to other election contests or complaints in other States.

After that work was completed the distinguished Senator from Arizona [Mr. HAYDEN] came to my office. I said, "We have a two-man subcommittee." The Senator from Oklahoma had been called to Europe, and was unable to meet with us. I said, "Will the Senator not appoint another member? This committee, which had 5 members 2 months ago, has now fallen away to 2 members."

The distinguished Senator from Arizona [Mr. HAYDEN], then chairman of the Committee on Rules and Administration, cast about for other Members who might be willing to serve. The Senator could find no others, so he appointed himself as a member of the subcommittee.

Incidentally and parenthetically, the Senator who appointed himself as a member of the subcommittee is the Senator referred to when it is suggested that the Senator did not file the report with himself at the termination of the subcommittee's deliberation. I do not know what formality is required for a member of a subcommittee to file a report with himself as chairman of the full committee, but it has been implied or suggested that possibly he did not satisfy himself as to the formality.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point? We must keep the facts in mind.

Mr. HENNINGS. I am glad to yield.

Mr. KNOWLAND. I think my suggestion was that during the period of time when the distinguished Senator's party controlled the committee, the subcommittee did not file with the full committee a resolution suggesting censure, a resolution suggesting expulsion, or a resolution suggesting any other disciplinary action. The full committee did not file with the Senate any such resolution or statement of charges. That was my point; my point was not that the chairman of the subcommittee turned over to himself a report on a subject on which the subcommittee had held hearings.

Mr. HENNINGS. I am aware that that was not the point of the distinguished Senator from California, but I believe it was the point of the distinguished Senator from Indiana [Mr. JENNER] on Saturday, and it was the point of the distinguished Senator from Michigan.

Mr. JENNER. Mr. President, will the Senator yield at that point? Since my name has been brought into the discussion, I think the Senator should be willing to yield.

Mr. HENNINGS. I yield.

Mr. JENNER. The Senator from Indiana said that it is true that the subcommittee never filed a report with the full committee, and that no action was ever taken by the full committee, which never even filed a report with the Senate. But the subcommittee was very diligent in having the so-called subcommittee report printed, because I have learned that they hand-carried the requisition down to the Public Printer, and a man who holds a high position in the Government Printing Office was so concerned about seeing that the report was delivered promptly, so that it could be circulated over the country, that he personally rode on the truck which delivered the report to the subcommittee. Let us keep the record straight.

Mr. HENDRICKSON. To whom does the Senator refer when he says "they"? I was a member of that subcommittee.

Mr. JENNER. I have learned that a member of that committee, not the Senator from New Jersey——

The PRESIDING OFFICER. The Chair must advise the Senator from Indiana that the Senator from California [Mr. KNOWLAND] has the floor. The Senator from California yielded to the Senator from Missouri [Mr. HENNINGS].

Mr. KNOWLAND. I yield to the Senator from Missouri.

Mr. HENNINGS. There was a reason, I may say to the majority leader, why the subcommittee made no recommendation of censure and no recommendation of expulsion. We had been unable in that short time, between November 5 and January 2, to adduce any testimony from the junior Senator from Wisconsin—bearing in mind the fact, as I have always believed, and as I am sure all other Members of the Senate believe not less than I—that charges involving serious offenses or charges reflecting upon character or integrity should be supported by proof beyond a reasonable doubt.

We had made what we lawyers call a prima facie case. We were satisfied that upon the basis of this report, we were in a position to go before a jury. Let me say that I can remember reading proof on New Year's Day and New Year's Eve, together with the Senator from Arizona [Mr. HAYDEN] and the Senator from New Jersey [Mr. HENDRICKSON], in an effort to have the report as accurate as possible, having in mind that we were working night and day—a decimated committee, what was left of the committee, although with the great assistance of the then chairman of the Committee on Rules and Administration, the senior Senator from Arizona [Mr. HAYDEN], who had appointed himself a member of the committee.

We concluded that this was a case sufficient to go to a jury. We had concluded that this was a case that, insofar as we had been able to determine, was predicated and based upon evidence and facts, all of which had been presented to us under oath.

But out of an abundance of caution and out of what we thought was an imperative obligation to be fair—in spite of the fact that we had long since passed the point where we were considered by some to be a nonpartisan committee—we concluded at that time we did not have in the report sufficient of fact upon which to make a recommendation of censure or of expulsion.

The reason, let me say to the distinguished Senator from Indiana [Mr. JENNER] also, was that the report was printed with all possible speed. I do not know who rode on the truck; but I am glad someone did, because copies of the report were distributed to the office of each Senator before any of the newspapers were given any copy of the report or before any person other than the members of the committee saw the report. Of that I am positive. We wanted the Senators to see the report before it became public property. I am sure that those members of the committee, both of whom are present at this time, will bear me out in that statement.

Mr. WELKER. Mr. President——

Mr. KNOWLAND. Mr. President, will the Senator from Missouri yield, to permit the Senator from Idaho to ask a question at this point?

Mr. HENNINGS. I prefer to continue, if the Senator will indulge me.

Mr. KNOWLAND. Of course.

Mr. HENNINGS. We believed, Mr. President, I say for the benefit of all Senators, that as members of the committee we were agents of the Senate. We believed that there had been laid upon the committee a trusteeship, if you please, to do an honest job for the Senate—although a job that was unpalatable, far more unpalatable than the job which Senators now are being asked to perform, namely, that of voting on certain resolutions.

We had to sit down and sweat this out, if you please. I had been at it for 3 years, and the report was the culmination of 3 years of work in the committee on one matter or another, although the major portion of that time had been devoted to the case of the junior Senator from Wisconsin.

We believed that Senators should read the report before we came in, on the following day, with a resolution suggesting that the junior Senator from Wisconsin not be sworn in or that he stand aside.

I would be very much surprised to hear from the Senator from Arizona [Mr. HAYDEN] that the report was never filed with the Committee on Rules and Administration. I would be very much surprised to hear that the report is still not in the bosom of the Committee on Rules and Administration.

I should like to ask the Senator from California, in terms of his recommendation or motion in connection with the resolution: Does he have reason to believe that the committee now proposed to be established will be less partisan that our committee was? I am sure abler committees might be selected from this great body. I would not for a moment contend that there are not abler Senators, at least, than this Senator, who was a member of the committee. But I can assure the Senate, and I do assure the majority leader and all my other colleagues, that we made every effort to be as fair, as nonpartisan, and as objective as we knew how to be.

Mr. KNOWLAND. Mr. President, if the Senator from Missouri will permit me to interrupt at this point, let me say I made no charges, nor have I even intimated, that the committee was not a fair one.

Mr. HENNINGS. I understand that the Senator from California has not.

Mr. KNOWLAND. But I point out that the subject matter covered is only 1, or perhaps 2, I do not know—of the long list of allegations or specifications of charges which have been coming in. I am sure that the Senator from Missouri, who is an able lawyer and well grounded in the American traditions of justice, would not contend that, because a committee had heard—even assuming it had all the facts in relation thereto—1 or 2 items of the specifications, the Senate should be prepared to vote on 20 or 30 allegations, or whatever the exact number may be.

Mr. HENNINGS. Let me ask a question of my able friend, the senior Senator from California, who I know has many burdens and many responsibilities resting upon him—and I sympathize with him because of the responsibility he has to discharge all of them, that I am trying to maintain a proper balance, good feeling, and a mutuality of understanding between all of us collectively in our efforts to do what we think best for the country. Of course, the televised hearings have only recently been concluded. Incidentally, let me say that our committee always refused to permit television or radio at either the Maryland hearings or these hearings. We had the idea that it was Senate business. True, it was business of the country; but we believed it was not to be made a sideshow or an extravaganza for the amusement of the general public. We believed it was serious business; and we had hoped to hold executive hearings, had the junior Senator from Wisconsin [Mr. MCCARTHY] come to give us the benefit of his testimony. Is it the fond hope of the distinguished majority leader that, should another committee be appointed, that committee would then deliberate in a manner more constructive and more successful in terms of all those charges than has been the case with the past several committees, which have taken valuable time of busy Senators for the greater portion of the past 4 years? If it is suggested that we have another committee, and if another committee is appointed, there will be more charges and more countercharges, of course. Have we any assurance that the other committee will have more success, that its efforts will be crowned with a greater and higher degree of achievement, than in the case of the committees which already have gone into these belated matters?

Mr. KNOWLAND. Mr. President, if the Senator from Missouri will yield, let me say—because I know he is fair and he wishes to be fair——

Mr. HENNINGS. I am glad to yield, and I thank the Senator from California for his kind remarks.

Mr. KNOWLAND. I merely wish to say that when there is a long list of charges, the mere fact that a Senator submits to the resolution an amend-

ment listing 6, 10, or 100 instances which he feels indicate that the junior Senator from Wisconsin, or any other Senator, might have been guilty of improper conduct, is not a prima facie case that he is guilty of such improper conduct.

I am merely saying that I do not think the Senate should be called upon to vote on a series of important allegations—and they are only allegations until proof and testimony are taken—which have developed from the censure and condemnation resolution which has been submitted by the Senator from Vermont [Mr. FLANDERS].

I thought the distinguished junior Senator from Texas [Mr. DANIEL] made a very able presentation, on Saturday, of the entire theory of American justice; and I hope any Senators who did not hear his remarks, or who have not already read them in the RECORD, will take the trouble to read them. He pointed out that we should not be called upon to vote upon this matter until testimony has been presented to a Senate committee; that in the white heat of a political controversy, on the eve of an election, or at any other time, we should not establish a precedent to the effect that it is sufficient to produce only charges, and that at once the Senate can vote censure—an action which, in my view, is of the most serious type that the Senate can take, with the exception of expulsion from this body. Such action condemns and censures the person affected; and in one of two instances, at least, I suppose that it, as much as anything else, has driven the man concerned out of public office.

Those being the facts, it seems to me that no fair-minded Member of this body would wish to vote on so serious a matter—certainly I would not—without at least knowing that such a group of Senators devoted to the public service had carefully studied the charges, and recognized the precedents that would here be established, and recognized that if this matter were acted upon too hurriedly—as might be the case in the heat of a political controversy—the result might be that the mere filing of the charges would result, if a majority voted to sustain the charges—in having the one under consideration condemned and censured under those circumstances without having an opportunity to appear before the committee, and without at least having the allegations supported by affidavits and sworn testimony.

It may be that I am wrong, but at least as I look upon it, this is an action which I feel is as important as one which would call upon me to sit in the Senate as a member of a court impeachment to try a member of the judicial or executive branch of the Government. I think we should approach it in that light. I do not believe we should lightly vote to censure and condemn a Member of this body without at least, in equity, fairness, and justice, prescribing the procedures by which we would be willing to be tried under similar circumstances.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. HENNINGS. I heartily concur with almost everything the Senator has said relating to orderly procedure and justice and fairness.

I can conceive of nothing more reprehensible, nothing more contemptible, than any Member of this body voting for expulsion or voting for censure of any Senator for partisan reasons. I can conceive of nothing that would demean, in my judgment, a Senator's character more completely than his undertaking to reflect upon the actions or the character of another Senator by his vote for naked, shallow, partisan reasons.

When I say to my distinguished friend from California that I have dubiety about the efficacy or the ability of another committee to study this resolution and its amendments and other related matters, I might also say that I do not think that it is of great interest to the country as a whole when the Senate adjourns.

If it be that the entire Senate has to sit as a court of impeachment—not technically, but de facto—that may be one solution. But certainly it would seem to me, I may say to the distinguished majority leader, that I can think of nothing more unpleasant because I have been through it, and along with other Senators, have taken the punishment of sitting here when the Senate was not in session—than having to come to grips with the unpalatable task of sitting in judgment on another Senator. Most decent men do not like to sit in judgment on other men, anyway. It is nothing to enjoy.

I am a little skeptical about the success of investigations of individual Senators, but I should be very glad to hear what the Senator has by way of assurance that this matter can be somehow or other dealt with promptly, in justice to the junior Senator from Wisconsin, as well as in justice to the Senate, which has this responsibility and this duty, whether we want to have it or not.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. HAYDEN. Mr. President——

Mr. KNOWLAND. I will yield to the Senator from Idaho [Mr. WELKER], and then to the Senator from Arizona [Mr. HAYDEN].

Mr. WELKER. Mr. President, I expect to speak on this question later this afternoon. I certainly agree with my distinguished colleague and friend from Missouri [Mr. HENNINGS] that it would be most tragic if we did not end this "ball game," so to speak, one way or the other, without having another committee that might well be partisan against the junior Senator from Wisconsin, who is charged with having committed the censurable acts.

I should like to ask the distinguished Senator from Missouri, who happened to be chairman of a couple of investigating committees, whether he can give me the dates when his committee asked the junior Senator from Wisconsin to appear before his subcommittee for testimony?

Mr. HENNINGS. With the permission of the Senator from California——

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. KNOWLAND. Yes, I yield for that purpose.

Mr. HENNINGS. I got a copy of this report [indicating] Saturday night. I had not seen it for many, many months, and I did not think I was ever going to have to read it again, but here it is.

The Senator from Iowa [Mr. GILLETTE] was a member, of course, and he was chairman of the committee during a period of the time, preceding my misfortune in inheriting the chairmanship. I see there is an exhibit No. 2, singularly at page 60 of the report, under date of September 17, 1951.

Mr. WELKER. What date?

Mr. HENNINGS. September 17, 1951. The junior Senator from Wisconsin wrote the then chairman of the committee, the Senator from Iowa [Mr. GILLETTE], and among other things, he said:

I understand that under Senate precedent, members of a full committee have always had the right to question witnesses who appear before a subcommittee of their own committee. This I propose to do in the case of witnesses who appear to ask for my expulsion because of my exposure of Communists in Government. In view of the fact that your subcommittee, without authorization from the Senate, is undertaking to conduct hearings on this matter, it would seem highly irregular and unusual if your subcommittee would attempt to deny me the right to question the witnesses, even had I not been a member of the full committee. If there is any question in your mind about my right to appear and question the witnesses, I would appreciate it greatly if you would inform me immediately.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. HENNINGS. I mention this letter because it is the first one written by the junior Senator from Wisconsin in which he asked for the right to appear.

If your subcommittee attempts to deny me the usual right to appear and question the witnesses, I think it might be well to have the full committee meet prior to the date set for your hearings to pass upon this question.

Mr. WELKER. Mr. President, I insist that the Senator has not answered my question.

Mr. HENNINGS. That is the first request of the kind I can find.

On October 1—does the Senator have a copy of the hearings before him?

Mr. WELKER. I have never seen it.

Mr. HENNINGS. One was delivered to the Senator's office, I am sure—at least one or two.

Mr. WELKER. Despite what many people say, I keep pretty good track of such things.

Mr. HENNINGS. The Senator has never seen the report?

Mr. WELKER. I saw it in the articles of a number of columnists who are famous, or who think they are famous, and in articles by other newspaper writers. In that way I saw what was in the report or allegedly in the report long before it was ever printed.

Mr. HENNINGS. Here is exhibit No. 4, page 61, indicating a letter to Senator MCCARTHY, which closes:

I should be glad to have your comment relative to a convenient time for you, if you so desire, to come before us. If you do not desire, I shall appreciate——

Mr. WELKER. Mr. President, will the Senator yield? I merely asked the Senator when the subcommittee had asked

Senator McCARTHY to come before them for his cross-examination.

Mr. HENNINGS. I will try to give the information to the Senator.

For cross-examination?

Mr. WELKER. Well, for cross-examination; yes.

Mr. HENNINGS. I understood the Senator to say "cross-examination."

Mr. WELKER. I am sure it would have been cross-examination. I should like to know.

Mr. HENNINGS. I am doing my best, if the Senator will be patient. Then, there is a response by the junior Senator from Wisconsin. Exhibit 6—there were a number of letters written by Senator McCARTHY which did not have to do with his coming before the committee. He asked about the number of employees, and so on.

Mr. KNOWLAND. I wonder whether I may yield to the Senator from Arizona at this point, so that he may ask his questions.

Mr. WELKER. Let us not destroy the chain of thought. I have several questions I should like to ask of the Senator from Missouri [Mr. HENNINGS.]

Mr. HENNINGS. There are a number of letters——

Mr. THYE. Mr. President, I suggest that the Senator from Arizona be permitted to raise the questions he has in mind, and that his questions may follow the remarks of the Senator from Idaho, so that the Senate may proceed in an orderly fashion.

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from California yield to the Senator from Arizona?

Mr. KNOWLAND. I yield.

Mr. HAYDEN. My question deals with the pending amendment offered by the junior Senator from Arkansas [Mr. FULBRIGHT]. I have a distinct recollection that when I became a member of the Subcommittee on Privilege and Elections the junior Senator from Wisconsin was invited to appear and testify before the subcommittee, and that he refused to do so. My recollection is that altogether on six different occasions the Senator from Wisconsin was given an opportunity to appear before the subcommittee, and that he refused to testify at any time, except once, when it was for the purpose of testifying with reference to his own resolution against Senator Benton. The question was raised at that time—I believe it was raised by the junior Senator from Wisconsin—that a Senator could not be subpenaed and compelled to attend a session of any committee, because he had immunity as a Senator. I know that the question was very carefully considered by the two Senators with whom I was associated on the subcommittee. They are good lawyers. They decided that it would be a very difficult matter to compel the Senator from Wisconsin to appear and answer in particular with reference to the Lustron charge.

The Lustron case is made out in clear-cut terms in the subcommittee report and has been read into the record. It is based on sworn testimony. There is no question that the junior Senator from Wisconsin received the sum of $10,000. That is what is now before the Senate. It seems to me that the Senate should consider the several issues one at a time. Therefore, I believe it would be perfectly proper for the junior Senator from Wisconsin to ask to be sworn by the Vice President and to have him make his defense here on the floor of the Senate on that one issue. Then the Senate could determine whether in response to the charge prepared by the subcommittee—and it is a prima facie case—the junior Senator from Wisconsin had properly answered. If it is determined that he has properly answered, the Senate should vote down the pending amendment.

Mr. KNOWLAND. I am not prepared to argue the facts, because I have not had an opportunity carefully to examine the testimony with regard to the allegation that the junior Senator from Wisconsin had written a book, an article, a pamphlet, or whatever it may be, and had been compensated for writing it.

There may be other cases in the Senate involving Senators who may have written articles, books, pamphlets, biographies, or books relating their experiences in the Senate while still Members of the Senate. I do not know to whom they may have sold such articles, or whether the people to whom they sold their writings may have had, directly or indirectly, an interest in legislation pending before Congress. I do not know whether such writing should be permitted as a matter of policy.

I do know that many Senators quite properly accept fees for speaking before organizations. It may be that some of those organizations have a direct or indirect interest in legislation pending before the Senate. I understand that some of the fees paid for speaking engagements run as high as a thousand dollars or $1,500, for one speech.

I am only a country boy, but to me that seems like a great deal of money for one speech. I do not know whether that is a fair amount to be paid for a speech. Of course, it may depend on the type of speech, and whether the speaker falls on his face or whether the speaker makes a speech which the audience feels is worth the compensation they pay the Senator for making it.

Again, as a matter of public policy, I do not know whether the Senate ought to condemn that practice in general. Perhaps it should. All I am saying is that we ought to be very careful in examining all the facts, all the ramifications, and all the extenuating circumstances involved, to determine whether a Senator who serves as a chairman of a committee or as a member of a committee, be it the Committee on Government Operations or a committee investigating crime, should, based on his personal knowledge, write a book and be compensated for writing it. I do not know whether a member of the legislative branch of the Government or an official connected with the executive branch of the Government, having access to information which the general public does not have access to, should use his position as the basis for writing a book for profit.

It is not our concern, it seems to me, what the Prime Minister of Great Britain does. I do not know whether such a person, based on documents and experiences which he had in his possession, which information and knowledge no one else had, should write 10 volumes dealing with the background of World War II. Perhaps that is all right. Perhaps that is sound policy. Perhaps a President, a Prime Minister, or a former President, or other high official of the Government should write his experiences. Perhaps that is all right.

At least we ought to have all the facts before we take a stand with reference to a fee of a certain amount, which may seem high to some, but may seem proper compensation to others. That is my point. We are at least entitled to develop the facts.

Mr. HAYDEN. All that can be said is that the facts, so far as they could be ascertained by careful investigation and by the taking of testimony under oath, are stated in the committee report. The answer can be given on the floor of the Senate by the junior Senator from Wisconsin, and the Lustron issue can be settled by the Senate.

Mr. KNOWLAND. I have great love and affection for the Senator from Arizona. He served in the House with my father from 1913 to 1915, and I respect him as I respect no other man in the Senate, and hold him in higher esteem and affection than I hold almost any other Member of the Senate. It seems tc me, under all the circumstances, and in the face of the various allegations, at least a committee ought to be appointed to take testimony. If such a committee—and I am just thinking out loud—meeting together in as judicial an atmosphere as possible, could have before it the various suggestions that have been made by the Senator from Arkansas [Mr. FULBRIGHT], by the Senator from Oregon [Mr. MORSE], by the Senator from Vermont [Mr. FLANDERS], and such other suggestions as may be made by other Senators, and could examine into those questions, perhaps without too much delay, it could determine which ones with propriety and equity and justice might be set up in a bill of particulars. In that way there would be something definite which the Senator from Wisconsin could deal with. He would know what the charges were. I say that, because as it has been stated on the floor of the Senate, if Senators should in fact write an indictment——

Mr. HAYDEN. I am not in agreement with that.

Mr. KNOWLAND. I understand. I believe that if we were to proceed in an orderly manner, in a judicial atmosphere, with a bill of particulars, and if the 6 members of the committee—3 Democrats and 3 Republicans—felt that the charges warranted their being brought before the Senate, then, if the Senator were to refuse to come before such a committee, in such a judicial atmosphere, it might have great weight with me on the ultimate decision I would make. At least it would be a pertinent fact. At least the junior Senator from Wisconsin is entitled to know what the charges are and on what basis they are made, and he is entitled, at least, to have the charges presented to a group which

is as nearly judicial in character as it is possible to get.

Mr. HAYDEN. The subcommittee definitely informed the junior Senator from Wisconsin as to what the charges were. It invited him to appear. He declined to appear. The information we received was that he could not be compelled to appear because a Senator was not subject to subpena. I should like to know whether, in the opinion of the majority leader, the committee proposed to be created should have the power of subpena to compel attendance.

Mr. KNOWLAND. I should say so, if the committee is to do a good job and obtain the facts. I am not a lawyer. I am only a newspaperman.

Mr. HAYDEN. Neither am I a lawyer.

Mr. KNOWLAND. So I do not know the fine legal points involved in the question whether the Senate or one of its committees has the power of subpena without special provision being made through a motion or resolution of this kind. I should certainly give great weight to the opinion of a distinguished lawyer such as the Senator from Georgia [Mr. GEORGE], the Senator from Colorado [Mr. MILLIKIN], or other Senators who are learned in the law, which I am not. I do not mean, by mentioning their names, to imply that there are not others equally capable. If they were to say that the committee should have such power, I should certainly give great weight to their opinion.

Mr. CAPEHART. Mr. President, I was a member of the RFC investigating committee of which the able Senator from Arkansas [Mr. FULBRIGHT] was chairman. I remember that the Lustron matter was brought out and discussed. I think that was 3 years ago. At that time the committee did not vote, or even consider voting, to censure the junior Senator from Wisconsin, or make the suggestion that he be expelled from the Senate.

My question is, Why, 3 years later, does the able Senator from Arkansas bring something to the floor of the Senate which, at the time he was chairman of the committee, he looked into and, after listening to the testimony, did nothing about? What has happened in 3 years' time? If the conduct in question was bad then, why did not the Senator from Arkansas do something about it then? Why did not the full committee do something about it? Why did we wait 3 years to bring up something that we knew about 3 years ago?

Mr. KNOWLAND. Mr. President, I understand the Senator from Missouri [Mr. HENNINGS] is prepared to answer the question raised by the Senator from Idaho [Mr. WELKER].

Mr. HENNINGS. I apologize for having taken so much time. This correspondence was separated from certain other correspondence. I read from page 98 exhibit 41, under date of November 21, 1952. I read this, with the indulgence of the Senator from Idaho and the majority leader, because the letter itself, and certain other communications which follow, embrace the dates referred to:

DEAR SENATOR MCCARTHY: As you will recall, on September 25, 1951, May 7, 1952, and May 10, 1952, this subcommittee invited you to appear before it to give testimony relating to the investigation pursuant to Senate Resolution 187.

Under date of November 7, 1952, the following communication was addressed to you:

"DEAR SENATOR MCCARTHY: In connection with the consideration by the Subcommittee on Privileges and Elections of Senate Resolution No. 187, introduced by Senator Benton on August 6, 1951, as well as the ensuing investigation, I have been instructed by the subcommittee to invite you to appear before said subcommittee in executive session. Insofar as possible, we would like to respect your wishes as to the date on which you will appear. However, the subcommittee plans to be available, for this purpose, during the week beginning November 17, 1952.

"It will be appreciated if you will advise me at as early a date as possible of the date you will appear, in order that the subcommittee may arrange its plans accordingly."

Following that letter there are some additional communications. I read from a letter under date of November 14:

DEAR MR. COTTER: Inasmuch as Senator MCCARTHY is not now in Washington, I am taking the liberty of acknowledging receipt of your letter of November 7.

I have just talked to the Senator over the telephone and he does not know just when he will return to Washington. It presently appears he will not be available to appear before your committee during the time you mention. However, he did state that if you will let him know just what information you desire, he will be glad to try to be of help to you.

Sincerely yours,

RAY KIERMAS.

Under date of November 16, I wrote the following letter, addressed to the junior Senator from Wisconsin:

The subcommittee is grateful for your offer of assistance, and we want to afford you every opportunity to offer your explanations with reference to the issues involved. Therefore, although the subcommittee did make itself available during the past week in order to afford you an opportunity to be heard, we shall be at your disposal commencing Saturday, November 22 through, but not later than, Tuesday, November 25, 1952.

This subcommittee has but one object, and that is to reach an impartial and proper conclusion based upon the facts. Your appearance, in person, before the subcommittee will not only give you the opportunity to testify as to any issues of fact which may be in controversy, but will be of the greatest assistance to the subcommittee in its effort to arrive at a proper determination and to embody in its report an accurate representation of the facts.

Pursuant to your request, as transmitted to us through Mr. Kiermas, we are advising you that the subcommittee desires to make inquiry with respect to the following matters:

1. Whether any funds collected or received by you or by others on your behalf to conduct certain of your activities—

I will not burden the RECORD with further reading from this letter unless Senators desire to hear it. It is all in the report at pages 98 and 99. I signed the letter.

Following that, as has been indicated, we set out the charges or allegations in the Benton resolution. We were compelled and in duty bound to inquire into the facts and circumstances. Those are all set out in six specifications in the letter to which I have referred.

A Western Union telegram appears at the end of this series of correspondence. It does not bear a date but, as is indicated by a reference, it was subsequent to the preceding letter. It is addressed to Senator JOSEPH MCCARTHY, Hotel Desert Hills, Phoenix, Ariz., sent from Washington, and signed by THOMAS C. HENNINGS, chairman of the subcommittee. It reads as follows:

Reference is made to our letter of November 7 again inviting you to appear before this subcommittee and to the reply of your administrative assistant received today. You are advised that this committee does not consider the aforementioned letter of your assistant to be an adequate or satisfactory answer. This committee desires an opportunity to examine you under oath to clarify—if possible—certain questions that have been raised from facts at hand, particularly with respect to your intricate financial transactions and certain of your activities. Your continued refusal to cooperate with the committee in its efforts to carry out the instructions of the United States Senate would appear to present a conscious disregard by you for the Senate's authority and a desire to prevent a disclosure of the facts. Failure to receive a reply by return wire that you will appear before this committee in executive session no later than November 20 can only be construed as a final refusal to testify under oath before this committee.

I signed that telegram.

This leads up to my question of the distinguished majority leader, as to whether he can give the committee which he proposes under the terms of his resolution, or any other body, assurance that the junior Senator from Wisconsin will appear and testify. I assume that he can give no such assurance. He can only indulge in the hope that such might be the case.

Mr. KNOWLAND. I have been on my feet for quite a while, so if the Senator does not mind, I will yield the floor.

Mr. IVES. Mr. President, before the Senator from California takes his seat, will he yield to me?

Mr. KNOWLAND. Certainly. I had promised to yield to the Senator from New York.

Mr. IVES. Mr. President, I offer an amendment to the motion of the Senator from California. I should like to ask him to accept a modification of his motion.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On line 5, it is proposed to strike out all following the word "and" and to insert "to make a report to the Senate before August 10, 1954, or prior to the final adjournment of the 2d session of the 83d Congress, whichever date is earlier."

Mr. KNOWLAND. I am glad the Senator has offered his suggestion in written form. I am not prepared at the moment to accept it as a modification of my proposal, but I shall certainly consider and discuss it with the minority leadership and others who may have suggestions as to an appropriate time or appropriate circumstances.

Mr. IVES. Does the Senator from California intend to have his motion printed and lie on the table? Is that his plan?

The PRESIDING OFFICER. The motion of the Senator from California is

the pending question. It is in typewritten form.

Mr. IVES. I understand that, but will it also be available in printed form?

Mr. KNOWLAND. It will be printed in the RECORD.

Mr. IVES. I should like to have my amendment printed and lie on the table, so that it will appropriately conform with the motion of the Senator from California. I offer my amendment as a modification.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. IVES. It is offered as an amendment to the motion now before the Senate.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield for a question?

Mr. KNOWLAND. I yield for a short question.

Mr. FULBRIGHT. I wish to make reference to the matter of the precedents. The Senator has emphasized the precedents. He said once or twice that he did not want the Senate to set a precedent which would be regretted. He seems completely to ignore the precedent which already has been established, and which was participated in by the Senator from Arizona [Mr. HAYDEN], and the Senator from Georgia [Mr. GEORGE], to whom the Senator paid a deserved compliment a moment ago when he referred to them as great lawyers.

They were present when the last resolution of censure was submitted on the floor of the Senate. It was not referred to any committee. It was based solely and entirely on facts found by a committee which had no knowledge of a resolution of censure, and did not even have such a resolution in mind at all. The committee simply produced a set of facts, just as in this case.

Mr. KNOWLAND. I do not wish to argue the point with the Senator now. We had a brief colloquy concerning it on the floor on the day before yesterday. I respectfully differ with him to this extent:

The circumstances in the Bingham case were that a specific act was charged, namely, that Senator Bingham, of Connecticut, had brought into an executive meeting of, I believe, the majority members of the Senate Committee on Finance, which then had under consideration a bill proposing changes in the tariff rates, a Mr. Eyanson who had been connected with or employed by the Connecticut Manufacturers Association; that that had been done while Mr. Eyanson was on loan from the Connecticut Manufacturers Association; that he had been temporarily placed upon the payroll of one of the minor committees of which Senator Bingham was a member; and that was in progress about the time an investigation was being conducted by a subcommittee of the Committee on the Judiciary dealing with——

Mr. FULBRIGHT. The Senator from California is misstating the facts. I am trying to get them straight.

Mr. KNOWLAND. I have read the record. I believe it is clear that Senator Bingham, of Connecticut, had had an opportunity to go before a committee of the Senate, to make his explanation, and to give his reasons for employing Mr. Eyanson and having him sit in a meeting of the committee. Whether it is set forth in the resolution is, I think, immaterial. The fact is that there was a specific act charged, and the Senator who was so charged had his day in court, so to speak. He had an opportunity to present his testimony before an established committee of the Senate.

The Senator from Arkansas and I may differ on the situation, but I devoted an entire Sunday 2 weeks ago to a reading not only of the Bingham case, but also of the Tillman case.

I am not a lawyer, and perhaps the distinguished Senator from Arkansas is, but I at least have a right, from what I have read, to my own impression of what the facts were. The Senator from Arkansas is entitled to his opinion.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. FULBRIGHT. I do not think there is any room for a difference of opinion about this very simple fact. The Senator from California says he is not a lawyer. Perhaps he did not understand the terminology that was used in the report, but it is clear, without question, that the resolution of censure was not referred to any committee at all, under any circumstances.

It is also clear that the statement of facts, which was reported to the Senate by the subcommittee of the Committee on the Judiciary took place before there was any resolution of censure. The subcommittee did precisely what I am saying or proposing to do in this instance. The Committee on the Judiciary found a certain fact, just as the committee headed by the Senator from Arizona found a fact, namely, that $10,000 had been accepted for such and such—exactly as the facts are set forth in the report.

It is for the Senate to judge of the fact. Was it acceptable? Was it a proper act or not?

In the other case the committee made no recommendation at all. It was intimated that the subcommittee of which I was chairman may have been derelict in its duty in not recommending censure. That is not according to precedent at all. Censure is brought about by the entire Senate. I think that has been true in every case—at least, it was true in the only case I know of. There are not many such cases. The last such case was in 1929, and affords the best evidence of what should be the proper procedure. I know exactly what happened in that case, and I placed in the RECORD last Saturday the official documents supporting it. What the Senate should do is to follow that case precisely. All the Senate has to do is to determine whether the action as found by the committee is acceptable or not.

The Senator from California is afraid of imaginary situations when he says the Senate may have to vote on something as to which there are no facts found by a committee. There is a very simple answer to that. All that is necessary to be done is to vote such a proposal down. I think the Senate should vote it down, if there is no basis for it. If there is no official statement in the RECORD or in a committee report, if someone alleges an entirely imaginary situation, the Senate does not have to act upon it other than to vote it down—and I shall be the first to vote it down.

Mr. KNOWLAND. The senior Senator from California is not afraid to vote on anything which is before the Senate. I think I have made that fact clear.

Mr. FULBRIGHT. I would not say "afraid"; I think the Senator from California does not want to vote on it.

Mr. KNOWLAND. No. The Senator from California has never avoided a vote in the 9 years he has been here. I am not afraid to vote on an issue. I have announced my position. I think it would be unfair, inequitable, and outside the normal bounds of American justice to vote upon the unsubstantiated charges contained in the original resolution of the Senator from Vermont [Mr. FLANDERS].

I made a speech regarding that resolution. I announced my position. I am not at all loath to vote on that or any other question before the Senate, but I think I have a right, based upon my responsibility as a United States Senator, at least to suggest, with respect to the procedures of the Senate, that there be provided fair, reasonable, and equitable rules of justice, before a Member of the Senate is condemned and censured.

As I pointed out in the earlier part of my remarks, I would not condemn or censure my worst enemy—and I hope I have no enemies in that category—I would not censure a criminal, even had I seen a criminal act committed, without at least giving the person his day in court and permitting him to file whatever extenuating circumstances he might be able to present, if any there should be, and to go through the normal American procedure of justice and equity. I do not intend to depart from that position, and I think, in the long run, the Senate might have cause to regret it, if it should fail to follow that procedure. There may be the votes for censure, but, speaking as only one Member of the Senate, I think such a course of action will rise up in the future to plague the Senate if there is a departure from the orderly procedure.

Mr. FULBRIGHT. The Senator from California is saying, in effect, that the procedure followed by the Senator from Georgia [Mr. GEORGE], who, I believe, we all think is very logical, was an unconscionable, unjustified procedure, inasmuch as the Senator from Arkansas is following precisely the procedure followed by the Senator from Georgia.

Mr. KNOWLAND. I think the Senator from Arkansas is mistaken and is in error, because in the case of Senator Bingham there was a censure resolution dealing with particular items and particular facts. Senator Bingham had appeared before a subcommittee of the Committee on the Judiciary. The Committee on the Judiciary had made a report to the Senate dealing with the particular transgression of public policy which the censure resolution subsequently sought to condemn.

Mr. FULBRIGHT. The Senator does not deny that the report deals with the Lustron matter, does he?

Mr. KNOWLAND. In the Bingham case the Committee on the Judiciary made a report to the Senate on that particular matter.

Mr. FULBRIGHT. Why would the Senator from California object, since his motion goes only to the resolution of the Senator from Vermont and not necessarily to the amendments, to broadening his motion, and then acting on the question of referral?

Mr. KNOWLAND. The motion is broad enough so that both the original Flanders resolution and the suggested allegations—all of them in toto—could go to the committee.

Mr. FULBRIGHT. Why should not the Senate be permitted to vote on one of the proposals, in order to determine what the sentiment of the Senate is? Why could the Senate not vote on the first offered proposal and then consider the motion to refer to the committee?

Mr. KNOWLAND. I am sorry that the Senator from Arkansas apparently has a closed mind in regard to the situation, because once there is a vote on a resolution of censure, without proper safeguards being set up, in the eyes of the country and the eyes of the Senate a Senator will have been condemned and censured without the Senate having taken testimony and without having followed normal, orderly procedures. If action is taken on one aspect of the question, why not go through the entire bill of particulars, whether or not they are only empty allegations, whether they have any support or not, because of a political desire to condemn, without having set up orderly procedures which equity and justice require?

I hope the Senate will not now do what was done during reconstruction days. At that time my party sat with a heavy majority in the Senate and in the House of Representatives. Because the party had the power, it was able to do a great many things; but that did not make them right.

As I pointed out earlier, during the time of the French Revolution, deputies in the French Assembly could denounce each other. Certain members were not necessarily wrong, but they were in the minority——

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield to the Senator from New York.

Mr. LEHMAN. I should like to ask the distinguished majority leader whether he asserts that it is an unsubstantiated charge that the junior Senator from Wisconsin, in a speech on June 14, 1951, without proof or other justification, made an unwarranted attack upon Gen. George C. Marshall.

Every word of that attack was carried in the CONGRESSIONAL RECORD, which every Senator saw.

Mr. KNOWLAND. Why did the Senator from New York not offer a resolution of censure at that time?

Mr. LEHMAN. That has nothing to do with the question. May I ask the Senator from California another question?

Mr. KNOWLAND. I do not intend to carry on the debate now. I have been on my feet for 3 hours. I do not wish to be discourteous to the Senator from New York, but I am a little weary. I have been through——

Mr. LEHMAN. I sympathize with the Senator.

Mr. KNOWLAND. I have been here through several nights, and I have been using my Sundays to read up on the Tillman case, the Bingham case, the CONGRESSIONAL RECORD, and everything else on the subject. I have tried to make my position clear. I previously told the Senator from Idaho [Mr. WELKER] that I would yield to him. I shall yield for one additional question, if the Senator from New York wishes to ask one.

Mr. LEHMAN. I thank the distinguished majority leader. I shall, of course, have much more to say on the subject later, but this is the question I wish to ask the majority leader: Is it an unsubstantiated charge that the junior Senator from Wisconsin openly, in a public manner before nationwide television, invited and urged employees of the Government of the United States to violate the law and their oaths of office?

Is that an unsubstantiated charge?

Mr. KNOWLAND. I do not know what all the facts are in the situation.

Mr. LEHMAN. It is a matter of record.

Mr. KNOWLAND. The Senator from New York says it is a matter of record. I know that over the years many Members of the Senate have received classified information. I do not know whether a United States Senator is a person who is entitled to have certain classified information. I know I have pointed out cases in which committees of the Senate have officially requested classified information, and it was denied to them. During a political campaign, on the eve of the election, a certain Senator was given a top-secret document, and he released it for political purposes without its being declassified.

If the charge which the Senator from New York has stated can be substantiated, perhaps the junior Senator from Wisconsin should be condemned for it; but, if that be so, others should likewise be condemned and censured. I do not know whether the recollection of the former President of the United States is correct or not, because I know all our memories are subject to failure. That is particularly true when a man has held the great office of President of the United States. It is difficult to remember all the facts. He had many heavy burdens to bear while he was President. This illustrates one of the dangers of proceeding without getting all the facts.

I read a dispatch from Independence, Mo.:

> Former President Truman said he had no recollection of giving Senator WAYNE MORSE any top-secret document during the 1952 presidential campaign. Mr. Truman is at home here recuperating from abdominal surgery performed 6 weeks ago. "While I have every confidence in Mr. MORSE's veracity," Mr. Truman said, "I have no recollection of any such document."

Mr. WELKER. Mr. President, will the Senator from California yield so that I may ask the Senator from Missouri a question I wished to ask him a half hour ago?

Mr. HENNINGS. I do not have the floor.

Mr. WELKER. I merely wanted to ask a question or two of the Senator from Missouri.

Mr. KNOWLAND. I yield to the Senator from Idaho.

Mr. McCLELLAN. Mr. President, may I inquire who has the floor?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. HENNINGS. I do not intend to stand on the floor of the Senate and be cross-examined while the Senator from Idaho makes a speech. I am glad to answer a question in debate, but I do not propose to stand and abide the Senator's pleasure until he is ready to ask me a question. I was on my way to the restaurant.

Mr. WELKER. I desire to ask the Senator from Missouri if it is not a fact that the Lustron case was brought before our committee, that Mr. Strandlund was cross-examined at length, and that the junior Senator from Wisconsin came before the committee and was cross-examined at length. Is that a fact or is it not?

Mr. HENNINGS. Mr. President, I take it I am not under oath.

Mr. WELKER. No; but I should like to have the best recollection of the Senator.

Mr. HENNINGS. I shall have to refresh my recollection, with my colleague's indulgence.

Mr. WELKER. The Senator has stated he is tired. Perhaps he can answer my question later.

Mr. HENNINGS. No; my recollection becomes tired, and sometimes it fails me. My best memory is that the junior Senator from Wisconsin did not appear at the hearings held by the Subcommittee on Privileges and Elections. Is that the subcommittee to which the Senator from Idaho is referring?

Mr. WELKER. Yes; it is the subcommittee on which we both worked so hard.

Mr. HENNINGS. I have a volume of those hearings before me. I do not know whether the junior Senator from Wisconsin appeared at the hearings or not. There seems to be two parts of the transcript. The one for September 28, May 12, May 13, May 14, May 15, and May 16, 1952, shows that the following witnesses appeared:

Perry J. Bachelder.
Senator William Benton.
R. Harold Denton.
Stanley T. Fisher.
George E. McConley.
Thomas V. O'Sullivan.
Walter Moore Royal, Jr.
Lorenzo Semple.
Carl G. Strandlund.
Clark Wideman.

If the Senator from Idaho has another volume——

Mr. WELKER. If the Senator from Missouri will refresh his recollection, I am quite certain he will recall that the junior Senator from Wisconsin appeared at those hearings and made a lengthy

statement. I should like to ask my distinguished colleague whether or not he has any information——

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. WELKER. I yield.

Mr. HENNINGS. I am not undertaking to say that the junior Senator from Wisconsin did or did not appear. To the best of my recollection, he did not appear before the Subcommittee on Privileges and Elections inquiring into the so-called Lustron matter. The record may refute my best memory of it. I cannot recall that the junior Senator from Wisconsin testified, although I remember that many other persons did. Does the Senator recall that the junior Senator from Wisconsin appeared before the subcommittee?

Mr. WELKER. Yes; I recall that he appeared before our subcommittee.

Mr. HENNINGS. In the Lustron matter?

Mr. WELKER. I know Strandlund was there on the Lustron matter, and we certainly had the right to look into the matter.

Mr. HENNINGS. Did the junior Senator from Wisconsin appear in the Lustron matter?

Mr. WELKER. In the list of witnesses the Senator from Missouri mentioned, he named Lustron, Senator Benton, and others.

Mr. HENNINGS. I said Strandlund. Lustron was the name of the company; Strandlund was its president.

Mr. WELKER. Whatever the name is.

Mr. HENNINGS. There is nobody named Lustron. That is a defunct company.

Mr. WELKER. Very well. Now I wish to ask a question of the distinguished Senator who was chairman of the subcommittee. Of course, the Senator succeeded several other distinguished chairmen. Let me say I have all the sympathy in the world for him. He is a fine friend of mine and always will be.

Mr. HENNINGS. I thank the Senator very much.

Mr. WELKER. Does the Senator from Missouri have any information with respect to the fact that subpenas were ordered to be issued by the then committee counsel of the Subcommittee on Privileges and Elections, Mr. Moore, to witnesses who were ostensibly friendly to the junior Senator from Wisconsin, which subpenas were later canceled by the then chairman of the subcommittee [Mr. GILLETTE]?

Mr. HENNINGS. Let me say to my friend, the Senator from Idaho, that I have no recollection of the persons to whom subpenas were issued. This procedure continued day after day, week after week, month after month, and year after year. I must confess that I do not remember about the subpenas. Subpenas were issued for many witnesses.

That hearing is much like a case a lawyer has already tried: Once it is behind him he forgets about it, and focuses his attention on cases yet to come.

Mr. WELKER. Of course, this one is still in progress.

Mr. HENNINGS. I simply cannot remember who was subpenaed or who appeared on any given day of the hearings.

Mr. WELKER. I am about to terminate my remarks at this point. Later I wish to address myself at length to this subject.

A moment ago the Senator from Missouri spoke of how secret the hearings were; he referred to the fact that executive sessions were held, and so forth. Is it not a fact that while we were on the committee we cited a writer for alleged contempt because he declined to reveal the source of information obtained by him in connection with testimony received by us in executive session?

If the Senator from Missouri is not able to answer, I am certain the distinguished Senator from Iowa, then chairman of the subcommittee, remembers very well that occasion.

Mr. HENNINGS. Mr. President, I do remember that occasion. The then chairman, the Senator from Iowa [Mr. GILLETTE] did in fact issue a subpena. I do not recall that there was a citation.

Mr. WELKER. I believe a subpena was issued.

Mr. HENNINGS. I believe this was for the purpose of laying the foundation for the possible citation of a newspaperman who had written a story relating to certain information developed in an executive session of the subcommittee.

At that time the subcommittee met and decided not to cite the newspaperman, who refused to disclose the source of his information. I believe my recollection is correct. The subcommittee sustained the right of members of the press to obtain information. By our action, we denounced and discouraged any effort on the part of committees, by means of the interrogation of newspapermen in the pursuit of their profession, to ascertain the sources of their information. Some of us considered that such action would be an infringement upon the right of freedom of the press, and for that reason I think all the committee members—or at least some of them—refused to vote for a contempt citation.

Mr. WELKER. Does the Senator from Missouri agree with me that at least all during the time when I was on the subcommittee, trying as hard as I could to be fair and honorable and to assist the chairman and other members of the subcommittee, certain news leaks received more attention or quicker attention than did the transcript of the testimony? The leaks resulted in newspaper articles which were published next day and generally circulated before we received the transcript of the testimony which had been taken in executive session.

Mr. HENNINGS. I seem to recall that, Mr. President. Of course, I think it is obvious that anything that has "leaked" is always more interesting than the contents of a transcript, which can be examined at leisure the next day.

This is my fourth year of membership on the Subcommittee on Privileges and Elections; I believe I am one of the oldest members of that subcommittee. I am rounding out my 4th year upon that subcommittee—albeit because of my sins.

On the subcommittee we have always had a great deal of trouble of one kind or another. The trouble generally runs the gamut; it has great variety. But there is always trouble; that subcommittee has always been plagued by "leaks." Generally we have been unable to ascertain the source; as a matter of fact, I do not think we have ever discovered very much about the "leaks."

Mr. WELKER. I believe the distinguished and able Senator from Iowa, when he was chairman of the subcommittee, discovered one source of the "leaks." He heard someone approach the door. The Senator from Iowa tiptoed up, jerked open the door, and then discovered, as I recall, someone who was at least more than casually interested in our executive hearings. Is that a correct statement?

Mr. GILLETTE. Mr. President, that is a correct statement.

Mr. WELKER. I shall not delay the Senate longer. I expect to speak further upon this subject matter as soon as other Senators, now scheduled ahead of me, have been heard.

Mr. IVES. Mr. President, will the Senator from Idaho yield, so that I may submit a parliamentary inquiry?

Mr. WELKER. Certainly.

The PRESIDING OFFICER. The Senator from New York will state his point of inquiry.

Mr. IVES. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. BEALL in the chair). The pending question is on agreeing to the amendment of the Senator from New York [Mr. IVES] to the motion of the Senator from California [Mr. KNOWLAND].

Mr. IVES. I thank the Chair.

Mr. GILLETTE. Mr. President, during the session there have been a number of inquiries with reference to matters which many of us would prefer to forget, including some of the most unpleasant episodes which have occurred to me or in connection with me during my service in the Senate.

The able Senator from Idaho [Mr. WELKER] asked a number of questions of the distinguished Senator from Missouri [Mr. HENNINGS], relative to the time factor, and the question whether the junior Senator from Wisconsin had been asked to appear before the Subcommittee on Privileges and Elections.

I should like to read 4 or 5 very brief letters exchanged between the junior Senator from Wisconsin and myself, in my then capacity as chairman of the Subcommittee on Privileges and Elections. The following letter was dated September 17, 1951, and was written to me by the junior Senator from Wisconsin:

Senator GUY M. GILLETTE,
Chairman, Subcommittee on Privileges and Elections,
Senate Office Building,
Washington, D. C.

DEAR SENATOR GILLETTE: I understand that your subcommittee is planning on starting hearings Thursday of this week on the question of whether your subcommittee should recommend that MCCARTHY be expelled from the Senate for having exposed Communists in Government. I understand further that the only two witnesses who have asked to

appear to date are William Benton, former Assistant Secretary of State and a friend and sponsor of some of those whom I have named, and the American Labor Party, which has been cited twice as a Communist front.

I understand that, under Senate precedent, members of a full committee have always had the right to question witnesses who appear before a subcommittee of their own committee. This I propose to do in the case of witnesses who appear to ask for my expulsion because of my exposure of Communists in Government. In view of the fact that your subcommittee, without authorization from the Senate, is undertaking to conduct hearings on this matter, it would seem highly irregular and unusual if your subcommittee would attempt to deny me the right to question the witnesses even had I not been a member of the full committee. If there is any question in your mind about my right to appear and question the witnesses, I would appreciate it greatly if you would inform me immediately.

If your subcommittee attempts to deny me the usual right to appear and question the witnesses, I think it might be well to have the full committee meet prior to the date set for your hearings to pass upon this question. For that reason, it is urgent that you inform me immediately what your position is in the matter.

Sincerely yours,

JOE MCCARTHY.

On September 25, 1951, I replied, as follows:

Hon. JOSEPH R. MCCARTHY,
United States Senate.

MY DEAR JOE: I promised to tell you the decision of the Subcommittee on Privileges and Elections as to procedure as soon as they had made the decision. They are going to take up the Benton resolution at 9:30 a. m., Friday, September 28, in room 457. At that time, they are going to hear Senator Benton's statement. They voted to hear the Senator in executive session but also voted that you could be present if you so desired and if time permitted, to make a statement at this same meeting. It was also decided that there should be no cross-examination except by the members of the subcommittee.

A further decision was made that if additional evidence is taken, it will be governed by rules of procedure determined after this first meeting.

With personal greetings, I am,

Sincerely,

GUY M. GILLETTE.

On October 1, 1951, I wrote the following letter:

Hon. JOSEPH R. MCCARTHY,
United States Senator,
Washington, D. C.

MY DEAR SENATOR: On last Friday, September 28, Senator Benton appeared before the Subcommittee on Privileges and Elections and presented a statement in support of his resolution looking to action pertaining to your expulsion from the Senate. You had been advised that you could attend this meeting, which was a public one, but without the right of cross-examination of Senator Benton. The subcommittee recessed to reassemble on call of the chairman. The chairman announced at the close of the meeting that an opportunity would be accorded Senator MCCARTHY to appear and make any statement he wished to make concerning the matter and with the right of Senator Benton to be present, but without any right on the part of Senator Benton to cross-examine you in any way. This is to notify you that this action was taken and the subcommittee will be glad to hear you at an hour mutually convenient. It is hoped that if you desire to appear and make any statement in connection with this matter, that a time can be fixed before the 10th of October. I should be glad to have your comment relative to a convenient time for you if you desire to come before us. If you do not so desire, I shall appreciate it if you will advise us of that fact.

With personal greetings, I am,

Sincerely,

GUY M. GILLETTE.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. GILLETTE. Yes; of course.

Mr. HENDRICKSON. Senator Benton did appear as the Senator has said. Does the Senator recall whether Senator Benton was sworn or not?

Mr. GILLETTE. I do not recall the record of the hearings, I will say to the Senator from New Jersey.

On October 1 I sent the letter I just quoted.

On October 4, 1951, I received the following letter:

Hon. GUY M. GILLETTE,
United States Senate,
Washington, D. C.

DEAR GUY: This is to acknowledge receipt of your letter of October 1 in which you offer me an opportunity to appear before your committee and answer Senator Benton's charges.

Frankly, Guy, I have not and do not intend to even read, much less answer, Benton's smear attack. I am sure you realize that the Benton type of material can be found in the Daily Worker almost any day of the week and will continue to flow from the mouths and pens of the camp-followers as long as I continue my fight against Communists in Government.

With kindest personal regards, I am,

Sincerely yours,

JOE MCCARTHY.

I have read these letters, Mr. President, and I asked the distinguished Senator from Idaho [Mr. WELKER] to wait uitil I had read them because he had interrogated the eminent Senator from Missouri [Mr. HENNINGS] as to whether or not an opportunity was given to Senator MCCARTHY to appear and testify on those occasions.

Mr. WELKER. Mr. President, may I ask, does the Senator indicate that the junior Senator from Wisconsin did not appear before our committee?

Mr. GILLETTE. With reference to the Benton resolution?

Mr. WELKER. With reference to both resolutions that came before us at both times. We shotgunned and cross-examined on both of them, as I recall.

Mr. GILLETTE. I would have to trust to my memory, I will say to the distinguished Senator.

Mr. WELKER. My memory may be faulty.

Mr. GILLETTE. Yes.

Mr. WELKER. But I will say, with the great affection that I have for my friend from Iowa, that I certainly recall the appearance of the junior Senator from Wisconsin at the hearing.

Mr. GILLETTE. The Senator from Iowa would not attempt to say that the junior Senator from Wisconsin did not appear, but I am trusting to my recollection, and I have no recollection of it. I take this occasion to say with reference to the able Senator from Idaho, that during the period when we both had the misfortunate to serve on this committee I found him cooperative in every way.

The task we had was monumental, a disagreeable task, dealing not only with the matter which has just been discussed, but a host of others, and our task was accentuated by the difficulty which arose in connection with the fact that while we were investigating, as was our duty, charges made in connection with election irregularities, there was referred to us by the Senate of the United States the expulsion resolution submitted by the then Senator from Connecticut, Mr. Benton. This further complicated an already complicated task.

But my purpose in rising now, and my purpose in asking the able Senator from Idaho to remain, was because of this record I have which shows that the Senator from Wisconsin was invited on more than one occasion to appear. I thank the Senator from Idaho.

Mr. WELKER. I thank the Senator from Iowa very much.

I had not intended, Mr. President, to speak at this early hour. I thought there was a schedule of several speakers ahead of me. Over the weekend I have given serious consideration to the question before the Senate. I have been referred to in a column written by a man who is not known to tell the truth, as "Junior McCarthy." I have been called about everything in the book for trying to defend the junior Senator from Wisconsin.

Like the able Senator from Illinois [Mr. DIRKSEN], I probably have scolded and have been very, very rough on the junior Senator from Wisconsin many times when I felt he was wrong.

How well do I remember my first appearance on the floor of this great body, when I engaged in debate with the then Senator Benton, of Connecticut, and the deceased Senator McMahon, of Connecticut, on the McCarthy issue, and I believe, if my recollection serves me correctly, I stated at that time I would defend Senator MCCARTHY when he was right, and would criticize him when he was wrong.

Mr. President, it is to carry out exactly what I then said that I rise today. I do not care what people say about me so long as I have in my heart the consciousness and the feeling that I am doing what I think is best for my fellow man.

I should like to know, since it is probably going to be the favorite indoor sport of this great body to submit resolutions of censure, whether or not there is any truth to the allegation made by the distinguished junior Senator from Illinois [Mr. DIRKSEN] to the effect that this entire charge was masterminded by the ADA and the National Committee for an Effective Congress, and other groups considered to be a little left of the thinking of the Senator from Illinois and the junior Senator from Idaho. If the Senator from Illinois was wrong in his allegation, somebody had better get ready to shoot in a resolution of censure against him immediately, because the Senator from Illinois made a very profound statement when he said:

Thou shalt not follow a multitude to do evil.

Mr. President, I am wondering just which way we are going in this matter.

I can well imagine that in years to come there might be a revival of the Ku Klux Klan, that there might be a revival of the Night Riders of the West; that there might be a revival of those who seek to destroy this great country of ours. They might even establish headquarters at the Carroll Arms or at the Statler, and, with proper publicity men, try to tell the Senate of the United States what to do.

Mr. President, this whole matter arose because of the original speech of my friend, the senior Senator from Vermont——

Mr. FLANDERS. The junior Senator from Vermont.

Mr. WELKER. Pardon me, the junior Senator from Vermont, who has always been kind to me. I know he is an honorable, fair, and fine man. I shall never forget his many acts of kindness to me from the first day I came to the Senate. When I differ with him, Mr. President, with respect to this resolution which he initiated, he knows as well as I do that it is not a personal matter, and I hope the Senator from Vermont will believe me when I say that.

Some rather vigorous statements were made in speeches on the floor of the Senate and elsewhere by my distinguished friend from Vermont. I can recall one that hurt me a great deal. It was one in which, in effect, the Senator from Vermont criticized certain actions and words of Cohn and Schine while they were overseas. As I recall the now famous television show—not so famous for the United States Senate, but famous for those who would try to destroy the United States Senate—Roy Cohn testified under oath with respect to every activity while he and Schine were in Europe.

I further recall that my distinguished friend from Vermont was invited to appear and, under oath, to give his observations. I do not recall that the Senator from Vermont ever appeared to give that committee the benefit of his observations and his knowledge.

I also heard it said that Cohn and Schine actually engaged in a fist fight while in Europe, and that they jumped a hotel bill. I did not hear any sworn testimony from my distinguished friend from Vermont on that subject matter, and I am quite certain that had that charge been true it would have been brought to the attention of the people of America through the medium of the vast television, radio, and newspaper and columnist networks.

Then I was hurt—I was hurt very much—Mr. President, when I heard the junior Senator from Vermont say that there was a peculiar relationship between Joe McCarthy, David Schine, and Roy Cohn. That was a vicious inference, Mr. President. It was an inference which could be understood in many ways. In the one State in which I am licensed to practice law, an inference amounts to evidence, and even an inference upon an inference amounts to evidence, and can go to the jury, and upon such an inference a verdict may be reached, which may not be set aside by an appellate court.

I do not think that was fair; nor do I think it was decent; nor do I think it was honorable on the part of my distinguished colleague, the Senator from Vermont, whom I know to be an honorable man. Why did he not tell the American people what he meant by that "peculiar relationship" among the three? Certainly different minds might well differ with respect to such an allegation.

No, Mr. President, that is not the way to "play baseball" in the United States Senate or in a court of law, or anywhere else. I beg of my colleagues to think of that. It is an accusation which is easily made, but very, very hard to disprove.

In his speech the other day my distinguished friend from Vermont listed 10 famous cases which have been solved by the Department of Justice and the FBI, and the Senator from Vermont stated, as I recall, that the junior Senator from Wisconsin played no part in any of them.

The other day I paid my respects on the floor of the Senate to Roy Cohn for his help in the fight against communism within the United States. I may say that even though JOE MCCARTHY had nothing whatever to do with the 10 most famous cases, Roy Cohn did have an active part in the prosecution of 6 of the 10 cases.

When the Jenner committee held hearings in New York City, in its effort to protect the security of the United States, the Internal Security Subcommittee used the offices of Roy Cohn at the courthouse on Foley Square. I well remember two framed letters on a wall of that office. I made a note of them a long time ago, when we were there interrogating persons who, according to our information, sought to destroy our country.

I need not tell the Senate again that Roy Cohn had a direct part in the prosecution of the infamous Rosenberg spies who sold this country down the river, of William Remington, and of the two top Smith Act cases of the first and second team of Communists in the United States.

As I recall, one of the letters was dated in January 1953. It was written by a man whom all of us admire. I would rather work with him, through all the years of my service here, than to work with various congressional committees, which are always subjected to gunfire whenever they bring to light someone who would destroy this country.

The author of that letter of January 1953 was none other than J. Edgar Hoover. In that letter J. Edgar Hoover described Roy Cohn as a man who had done outstanding work and who was largely responsible for the decisive blow that had been struck at the Communist Party. On January 16, 1953, Roy Cohn was hailed for his splendid service by the then Democratic Attorney General of the United States, James P. McGranery.

Let us go back to Jim McGranery for a moment. I remember that I disagreed with the party to which I belong when Republican Senators did not want to confirm the nomination of Jim McGranery. The able senior Senator from New Hampshire [Mr. BRIDGES] and the junior Senator from Idaho fought as best we could to have the Senate confirm the nomination of Jim McGranery because we felt that there had been a failure to make a case against him. I still think that Jim McGranery is an able jurist and that he was a fine Attorney General. I am not biased against anyone in this matter. I want to tell the Senate what I have been thinking about, and I want to tell the American people, and especially my colleagues.

We speak about a code of ethics. The able Presiding Officer [Mr. HENDRICKSON] is an outstanding attorney, and I hope he will soon be a great Federal judge. The able Presiding Officer is retiring from the Senate. I want to say to him that the junior Senator from Indiana [Mr. JENNER], the able chairman of the subcommittee on internal security, has received great praise in this body and a great deal of fine publicity since he has been chairman of that subcommittee, but, under a nicey, nicey code of ethics, and as soon as the Communists knock out one man who is investigating Communists the next man will be JENNER, and, following him, Representative VELDE. I well remember that not many years ago MARTIN DIES was liquidated for his exposure of communism in the United States. That may well happen to some of us.

The Senator now acting as Presiding Officer was present the other day in one of the most infamous hearings we have ever held. It was a public hearing, in which appeared a man recently returned from Red China. We saw him sit there and equivocate and dodge and consult his attorney on every question asked of him. Not once would he come out and tell the American people the truth. Certainly it would have been easy for us to have lost our temper. We knew exactly what would happen if we did. That is exactly what the Communist Party would love to have us to do.

So we sat there. We saw Mr. Hinton receive the benefit of a code of fair ethics, which was much fairer than the rules of evidence that apply in any court I have ever practiced in. Hinton would take a long time to consult with his attorney before he answered any questions put to him.

The Presiding Officer was there and he assisted very ably in the cross-examination of that man. I venture to say that all of us present in the hearing knew that Mr. Hinton did the audible testifying, but that his attorney was the mastermind who told him what to say.

It happens every day when we have such people before us.

How many strange attorneys have we seen in the Internal Security Subcommittee hearings when we have had before us for interrogation the kind of characters I have in mind? The attorneys are always the same.

The man I have in mind started his career in the Putney School, in the great State of the junior Senator from Vermont [Mr. FLANDERS]. I believe his mother was the founder of the school. I asked him whether at the time he was teaching in that school—and ostensibly

he was a man skilled in agriculture—he was a member of the Communist Party. He took advantage of the privilege and right which he had under the fifth amendment—a right granted to the guilty as well as innocent. We inquired of him at some length with respect to his affiliations at that time. After lengthy consultation with his counsel, the answer was always the same: "I refuse to answer upon the ground of the fifth amendment."

One of the most pitiful cases I have ever seen came to my attention when I substituted for the distinguished chairman of the Internal Security Subcommittee in a case involving a man who was teaching at the University of Vermont. I should never release this information if it were not already public. This was a public session. I saw in Dr. Novikoff a hope that we could rehabilitate a human being back to the thinking of God-fearing persons and people who want to serve this country as loyal Americans. Dr. Novikoff had suffered a tragedy in his home. As I recall, his young son, 6 years of age, nearly lost his life in an automobile accident. Dr. Novikoff came before our committee in a depressed state of mind. He did not have the customary attorney with him, to advise the witness how to talk. Tears were in his eyes. He asked me if I would not give him several weeks so he could decide whether or not he wanted to come back to America—and back to his God, Who had saved his child and Whom he had forsaken. Without any argument, the distinguished chairman [Mr. JENNER] said, "Give him 2 weeks or 3 weeks if you can save this man for us."

So Dr. Novikoff left. He went to attend a meeting on cancer research in Chicago. I think he came back before our committee some 3 weeks later. He was a different Novikoff. He was not the man with tears in his eyes. He was not the man who did not know how to frame an objection so as to take advantage of the fifth amendment. Mr. President, I leaned over backward on his first appearance before the committee, told him of his rights, and framed the objection so that he would be perfectly protected.

I ask the distinguished chairman, who sits at my right, to confirm my statement. When Dr. Novikoff, the able, brilliant scholar from the University of Vermont, came before the committee again he was an entirely different personality. I have never seen another congressional committee take such a beating in my life. We got it between the eyes. As I have said before, we have taken it between the horns many, many times, but, in the case of this witness, a hundred times harder than ever before.

All praise to the great University of Vermont. Their attorney was present and heard the testimony, and Dr. Novikoff was immediately discharged.

That did not set well with us, because the Senator from Indiana and every other member of the committee would rather save one of those people than have him lose his job or be embarrassed by being dismissed from his position.

The other day we interrogated Mr. William Hinton with respect to his two sisters, one being Jean Hinton, as I recall. Her first husband had been on the stand prior to the interrogation of Mr. William Hinton. He made a most shocking disclosure: He had been in the basement of Nathan Gregory Silvermaster, named by at least 2 or 3 witnesses as the most vicious espionage agent in the United States of America today, and who has been operating as such for many, many years. He told us of seeing the camera, the apparatus, the darkroom, and everything else. They were warm personal friends. She took the Daily Worker. I believe it is truthful to say that they were divorced upon the ground that she had dedicated her life to communism.

Then we interrogated Mr. William Hinton with respect to his other sister, Joan Hinton. Who was Joan Hinton? Joan Hinton was a famous atomic scientist who worked at Los Alamos with Robert Oppenheimer and the others. She studied diligently to become skilled in the highly technical field of atomic research and atomic information in order that she might give the benefit of her knowledge to her country, or perhaps to someone else. She had visited in the home of Dr. Oppenheimer. After the Los Alamos project was closed she went to Chicago. Where is she now? She is behind the Iron Curtain in Red China, if you please, ostensibly working on a diary.

That was the story that was given to us. The present occupant of the chair [Mr. HENDRICKSON] was present when, on cross-examination, I presented to the witness, William Hinton, Communist propaganda written by his sister and printed in Peking, China, and asked him if he knew anything about it. No; he did not. More of the fifth amendment.

Mr. President, when we engage in the extra work that these committees require of us I sometimes wonder whether or not human bodies and minds can stand it. No doubt I have made mistakes in my interrogation of witnesses brought before our committee. I see before me the distinguished chairman of the Judiciary Committee [Mr. LANGER], who appointed me to that subcommittee. He asked me to do a job. I have never let him down and I never will, nor will I let down the chairman of the Internal Security Subcommittee [Mr. JENNER].

Things are not so easy. Why do the proponents of the code of ethics level the gun on McCARTHY every time? As I say, perhaps I have lost my patience at times.

Who among us has not, when cross-examining an adamant, mean, and cruel witness?

Mr. LANGER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. WELKER. I yield.

Mr. LANGER. The distinguished Senator from Idaho has done a very good job as a member of the Judiciary Committee. I am sure he has done a good job as a member of the Subcommittee on Internal Security. I want to testify to that.

Mr. WELKER. That is very gracious of the Senator from North Dakota, and I thank him.

Committee members must travel all over the country. Those who want this code of fair ethics would require that a majority of the subcommittee, or at least 2 or 3 members, make such trips. The Senator from Indiana [Mr. JENNER] has ordered me to go to the west coast to investigate Communist infiltration over the Mexican border. I must hold hearing after hearing in Texas, Arizona, New Mexico, California, Utah, Idaho, and Oregon, and then come back to Chicago and travel all over the country to find the extent of the infiltration. How many Senators from the Internal Security Subcommittee will feel able and ready to go? Some of them will be engaged in political campaigns; some will want some well deserved rest.

Mr. President, let us think twice before we adopt a code of ethics such as is proposed, because no matter what kind of code may be adopted, it cannot make a bad chairman good nor a good chairman bad.

I have had the honor and distinction of serving with one of the greatest lawyers ever to be a Member of this body. God took him away from us a year or so ago. Senators know to whom I am referring. He served on the Subcommittee on Internal Security. Certainly he had the highest degree of professional ethics of any man I ever knew. He was present in room 318, the Senate caucus room, when the subcommittee was investigating Communist infiltration of printing plants and Communist propaganda. The Commies—perhaps I should say "the witnesses"—gave us a bad time. They were being coached by their attorney.

I actually saw that wonderful man, whom I loved as much as any man I ever knew in the Senate or elsewhere, who was, as I have said, one of the greatest men ever to enter the Senate, swear the attorney representing the witness who was under examination. Had the Senator been permitted to live, his great ability, qualities of fairness and honesty would be of great assistance to us all. But time ran out for him, too.

I actually saw him swear the attorney. That is not usually done in courtrooms, but it was done in this instance, because the subcommittee was at the point of giving up. The Senator swore the attorney and then asked him the very simple question: "Are you now or have you ever been a member of the Communist Party?"

Mr. President, you love the legal profession, I love it, the junior Senator from Indiana [Mr. JENNER] loves it; every person who has taken the oath to become a lawyer and to defend the defenseless and oppressed, at any cost, loves the law. Mr. President, how do you think we felt when the attorney answered the question by saying "I refuse to answer upon the ground that my answer might tend to incriminate me"?

Why did not someone offer a resolution of censure against the Senator who asked the question? No person who was more popular ever came from the other side of the aisle. Death took him away,

but I will say that had a resolution of censure been offered against him, there would have been a slight revolution on the part of all of us. We all loved him, Mr. President.

I have been in New York with the distinguished chairman, in the United States courthouse on Foley Square, where we received nothing but hisses and boos in response to every question we asked. But times have changed. There seem to be a few red-blooded Americans in attendance nowadays at the hearings. Instead of boos and hisses, we receive a little praise now and then. We do not get praise from those whom we examine. All we get from them is the fifth amendment, notwithstanding the fact that the international tribunal has decreed that the American people shall pay their percentage, $179,000 indemnity, to the poor, unfortunate little characters in the United Nations, who refused to answer the simple question propounded by the junior Senator from Indiana [Mr. JENNER]:

> Are you now or have you ever been a member of the Communist Party?

They were American citizens, Mr. President. They were there representing us, our families, and all of America.

I remember the words of the question asked by the Senator from Indiana:

> Do you mean to say that should you answer that question truthfully, you who are here representing the American people on the United Nations, it would tend to incriminate you?

Then they resorted again to the fifth amendment. They appealed to the United Nations International Tribunal for Justice. They could not get a passport to go overseas, where the International Tribunal sits at Geneva. Why? The answer is perfectly simple. The State Department knew exactly what we knew, and they did not issue visas and passports to people who do that sort of thinking.

So when that vote comes, if I am the only Member of the United States Senate to vote against the resolution, I shall do so. Then someone can fire a resolution of censure at me, too, because I am going to stand up and hit a lick for America before I ever let those people hit a lick against America.

We hear much about a code of fair ethics. One of the finest Members of the Senate, a distinguished lawyer, is Judge WATKINS, the senior Senator from the great State of Utah. He has tried hundreds and hundreds of cases. He held hearings in Cleveland last year. He was given the double treatment, to the point where that poor man, not in good health, had to have evicted from the room a number of those whom he had intended to investigate. I suppose a resolution of censure should be aimed against him because he did not play fair, because he threw some persons out of the room.

I suppose that in order to be members of a congressional committee investigating communism, graft, fraud, or that type of offense, which we are obligated to investigate, we should be very polite cross-examiners. We should never say anything against those who believe in the one-world philosophy; we should never say anything against the giveaway program, which will soon break the United States of America financially.

Again I say that if I am the only Member of the Senate to do so, I shall vote against such a program, because I have read the able discourse by the distinguished senior Senator from North Dakota [Mr. LANGER] and his minority views upon the subject. He has written the finest report I have ever read in the 3½ years I have been a Member of the Senate. It is exactly the thinking of westerners, the thinking of Americans in the area where I live. I have told the distinguished Senator from North Dakota in so many words that his report was "strictly western." That is the greatest tribute one man can pay to another.

I suppose it is thought by some persons that one should be in a position where he would not be criticized for his activities in this sort of business; that he should be willing to surrender the sovereignty of the United States to nations overseas. I am even led to believe that perhaps we should say that we will go along with Great Britain and advocate her trading with Red China, although I shall never do so, even though a resolution of censure be offered against me. It will take more than 1 such resolution; it will take 8 to get at me.

If resolutions of censure are fired at me in this great body, this is about the last place from which they will be fired, because I know of an easier way in which to make a living. When I can no longer stand up for my rights as an individual, and say what I think is just and honorable in this body, then the people of Idaho owe me the duty to get rid of me as a Member of the Senate, for I have no inherent right to be here.

I suppose also, to avoid criticism, we should listen to the talk of some of the millionaires who have criticized the junior Senator from Wisconsin. I assume they have criticized the Internal Security Subcommittee and the Velde committee. I know they criticize Representative DIES. They ran him back to Texas. I suppose we should give up and go along with the millionaires who have made their fortunes as a result of the foreign aid giveaway program—a program which the senior Senator from North Dakota said is dangerous, to which I agree. There may be only our two votes against the bill, but we shall go down the line together on that matter.

While our country is in dire circumstances, and staggers under a tremendous national debt, every Member is wondering what he will do if a bill is offered seeking to increase the limit. I wonder what we shall do when we return home. Could it not be that if the debt ceiling is raised, we shall be going down the road to disaster, just as Stalin predicted when he said, "I will cause them to spend themselves into bankruptcy, and I will take them without firing a shot"? Those are pretty serious words. I should like to be informed as to whether anyone knows whether the Senator from Illinois [Mr. DIRKSEN] lied on the floor of the Senate the other day when he told of the tremendous lobby which encircles the Capitol, headed by Mr. Rosenblatt, I believe, or someone by a similar name—an organization which the Senator from Illinois said, as I recall, would if it prevailed, liquidate every conservative Member in this body.

"Thou shalt not follow a multitude to do evil." I want someone to tell me whether my friend, the Senator from Illinois lied. If he did, who will have the temerity to introduce another resolution of censure? Perhaps, if the Senator from Illinois told the truth, and I want to remain in good grace in the Senate, I should make application with Prof. Arthur J. Schlesinger, at the Washington office of the National Committee for an Effective Congress. Perhaps I should say in that application that I am not, and have never been a Legionnaire; that although my war service was not enough, I am proud of the fact that I gave up the happiest little girl that I know, my baby, to spend time in trying to do, in my humble way, what so many millions of Americans did.

As I say, I do not agree for a moment with the suggested resolution of my distinguished friend, the able majority leader.

My friend, the Senator from Vermont [Mr. FLANDERS] indicated the other day that a few of us would not have the temerity—in the West we call it the "guts"—to stand up and vote upon the resolution. I cannot wait until I get a chance to vote on the resolution, and every red-blooded Member of this body will vote on that resolution. If not, he should take the pictures off the walls of his office, pack them up, and go home at once.

As I said before, if the Senator from Illinois lied, I would soon want to forget the fine statement he made. That certainly could be used as a "theme song" for those of us who want to save America, regardless of political party. We are equally divided on the question. This is not a partisan question. "Thou shalt not follow a multitude to do evil."

I have heard it said that there are resolutions before the Senate criticizing the junior Senator from Wisconsin with respect to what he said about some famous and, in my book, some infamous people. How far can we go in honest, legitimate debate upon the subject? I asked my distinguished friend, the Senator from Kentucky [Mr. COOPER], in debate last week, where the line is to be drawn. At what point are we to call a halt? I have stood upon the floor of the Senate and said things that I now regret. I demanded that Harry Truman resign from the Presidency of the United States. I also heard from the floor of the Senate that he should be impeached. What more cruel language could be used against a man in such high public office? The Office of the President is a little higher than that of any general, or than any news commentator, radio commentator, or pseudo television performer. So where are we going to draw the line?

Every time a Senator feels in his heart he has a duty to discuss something on the floor of the Senate of the United States, is he to cringe like a coward and be afraid that a resolution of censure will

be directed against him, a resolution which would kill any man in public or private life?

I heard one of the authors of the resolution call the President of the United States a ham actor. I have heard him say—and I read from press reports, if one can believe what he sees in the press—that "General Eisenhower has stooped to the big-lie technique in his campaign."

I do not desire to offer a resolution of censure against the Senator from Oregon. He is my neighbor. He is my friend. But that language is a little strong, is it not? It is just about as strong as any language which I have heard the junior Senator from Wisconsin or anybody else use.

The Senator from Oregon went on to say, according to the news reports, that the Republican Party is "dominated by reactionaries running a captive general for the Presidency of the United States."

He is further quoted as saying—and this is from the New York Times, I believe, which is sometimes considered to be a rather liberal newspaper:

Senator MORSE charged General Eisenhower with "stooping to any tactics"—

"Any tactics," if you please, Mr. President—

with "taking support from any source no matter how reprehensible" in order to win votes, and said the American people "were beginning to get wise to him."

The Senator from Oregon further stated on August 8, giving the reasons why he broke with the Republican Party—and I am quoting now from a United Press news release dated August 9, 1953:

Mr. MORSE, who broke with the Republicans during last fall's presidential campaign, attacked President Eisenhower today for "one act of political expedience after another" and branded the Secretary of State, John Foster Dulles, as "incompetent."

Further quoting him:

The much ballyhooed political crusade has become a crusade for paying off the powerful, selfish economic forces that ran Eisenhower's campaign and are running his administration.

I could go on and on. I shall not go into the subject further, but the statements were made against the present Chief Executive of the United States, one of the greatest generals ever to wear a uniform. One would be led to believe that General Eisenhower, the President of the United States, had been taught to lie, cheat, steal, and commit a fraud upon the American people.

Where are we to draw the line in campaign statements, or in statements on the floor of the Senate, or in statements made in the heat of cross-examination? Anyone who has cross-examined in a justice court knows that a snarling, mean witness may cause one to lose his temper. I have lost my temper many times. I have regretted it. I try not to lose my temper. But certainly I am not going to censure an advocate or a Senator who is carrying the ball alone in a crusade to save America, if he may have said something in an ill-tempered vein.

Mr. President, there has been much reference to the Lustron case. I have stated on the floor of the Senate that I examined Mr. Strandlund, the president of the Lustron Corp., in connection with the famous charge which has existed for so many years. Mr. Strandlund did not seem to have much to say about it that would hurt anyone.

I have given speeches throughout the United States, based upon information I obtained in the Senate. I did not know who was going to listen to my speeches, but I knew who paid for my appearances. Some of the Members who are so able and quick in drafting resolutions are making many more speeches than I am, and are basing them upon what they learned in the course of their service and their duties in the United States Senate.

Mr. President, there is talk of personal animosity. I want all my colleagues to believe me when I say that I remember a road show, as I call it—the Crime Investigating Subcommittee—which did a great deal of good and received a great deal of publicity by means of both television and radio. Before the ink was dry upon their report, a book was written in 1951. It was published by Doubleday & Co. I am informed that the publication of the book resulted in the receipt by the author of the book, the chairman of that distinguished subcommittee—which did a good job—of many, many times more, in the way of a financial return, than the $10,000 the junior Senator from Wisconsin received from the Lustron Corp.

It may well have been that when I interrogated the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] the other day, with respect to that matter——

Mr. McCARTHY. Mr. President, will the Senator from Idaho yield to me for a minute?

Mr. WELKER. I yield.

Mr. McCARTHY. So many misstatements have been made about the Lustron matter, that I wonder whether the Senator from Idaho would like to have me give him the facts in that case, if I may.

I had been writing, and I wrote, the Housing Act of 1948. I took up with the special House committee the question on whether we should do something to try to bring to the attention of the young veterans the various housing aids which Congress had provided for them. The committee did not manifest any enthusiasm in response to my suggestion.

I then wrote, with the aid of some very able Washington newsmen, what I thought was a complete, thorough dissertation on what aids were available and how they could be obtained.

Incidentally, I offered it to some of the magazines which today are screaming about this matter. I offered it to them free of charge, if they would publish it. But they did not. I received offers from various corporations in the housing business, who wanted to publish it. Lustron made what I thought was the best offer at the time. Of course, later on Lustron went bankrupt. The Lustron offer was 10 cents a copy for the first 100,000 copies, and 5 cents a copy for each succeeding copy. The testimony of the head of Lustron Corp., when he appeared before the Banking and Currency Committee, was, as I recall, that that was one of the few projects upon which they made money. They lost money and went bankrupt on the others. But they made some money on that, at the rate of 10 cents a copy.

I may say that if I were embarrassed at all regarding the Lustron deal, it would be because my efforts were worth only 10 cents a copy.

Mr. WELKER. Mr. President, I shall not yield further to the junior Senator from Wisconsin in regard to that matter. I myself have made some research on it, having served on the Privileges and Elections Subcommittee, and having taken quite an interest in the matter, and having cross-examined witnesses regarding it, and having made some research. If the junior Senator from Wisconsin wishes to discuss it in his own time, that will be very fine; but at this time I should like to pursue to the end what I regard as my very feeble remarks, because I have had this matter "on my chest." I prefer not to yield, because I believe I shall handle the matter to my own satisfaction, at least.

Mr. President, returning to the so-called Crime Investigating Committee, which traveled all over the United States, let me say I saw that subcommittee on the television. Most Members of the Senate saw the subcommittee on television, I am sure. Perhaps that subcommittee needed a code of fair ethics. I have heard that the chairman of that great subcommittee is screaming for a code of fair ethics.

Mr. President, I believe I have had more experience than any other Member of the Senate of my age in defending persons who have been charged with the commission of serious crimes of various sorts. I know what it is to be in a courtroom and receive abuse from the press, from prosecutors, and from almost everyone else. But that is the duty of those who serve as defenders of persons charged with crime.

Let me say that in watching the televised proceedings of the so-called Crime Investigating Committee, I saw time and again—yes, 50 times; yes, 100 times; and I challenge anyone to deny it—a man who was presumed to be innocent called a liar, a thief, a dope peddler, or charged with almost everything else in the book. Such persons were not permitted to make statements. They had to go behind the fifth amendment. Some of them were asked "to come back to God"; some of them were asked "to be a human being once more."

Mr. President, this investigating business works both ways. I wish to tell the Senate that no matter whether one is investigating crime, Federal housing scandals, JOHN WILLIAMS' scandals, or any other matter, he will bring down upon his head the wrath of certain persons.

I heard no cry or demand from the so-called liberals—the group so termed by the distinguished junior Senator from Illinois [Mr. DIRKSEN] the other evening, if he did not lie to this body—for the adoption of a resolution of censure, as

a result of all that activity by the so-called Crime Investigating Committee. No; I did not hear a word of that sort.

Mr. President, a censure resolution has been used only four times in the history of the Senate.

The other evening we were reminded of the Biblical passage:

Thou shalt not follow a multitude to do evil.

Mr. President, I wish some Member would rise at this time and would ask, "The other evening did the junior Senator from Illinois [Mr. DIRKSEN] lie to this body, or did he tell the truth?" If he lied, Mr. President, I wish to see a censure resolution sent to the desk at once, because I am sure all Members of this body listened with great attention to what was the greatest speech I ever heard in all my life. It was based upon research and upon the fundamental belief in the heart of the junior Senator from Illinois that he was doing right for the country he so ably serves.

Mr. McCARTHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. WELKER. I yield to the junior Senator from Wisconsin.

Mr. McCARTHY. Mr. President, I ask unanimous consent to insert in the body of the RECORD a letter from Harry Woodring, written June 23, 1954, to Mr. Bob Harris, and I should like to mention in connection with the letter that Mr. Woodring was Assistant Secretary of War from April 6, 1934, to September 25, 1936; he was Secretary of War from 1936 to 1940; he served with the Tank Corps of the United States Army during World War II; he is a member of the American Legion, and is a past State commander; and he served as Secretary of War while Gen. George Marshall was Chief of Staff. He is, and I believe all of his life has been, an active Democrat.

Mr. Woodring has indicated that he has no objection to the letter being publicly used.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TOPEKA, KANS., *June 23, 1954.*

DEAR BOB: First, I want to thank you for the book you had sent, McCARTHY and His Enemies. I thought the chapter on General Marshall was very illuminating, but inclined to advance the thought that Marshall acted from judgment; while I think he knew better in the China question and acted under instructions from the State Department and the White House, which to me is not to his credit anyway. He is a good enough military strategist to know that he was selling out to the Reds. I learned to know him better than most people who have not had the close association, and I can tell you that he would sell out his grandmother for personal advantage; that he would sell out his policies, beliefs, and standards to maintain his political and military position with the powers that be.

I never missed a one of the televised hearings of the McCarthy-Stevens controversy. They came on at 8 a. m. here in Topeka. I would get up and have breakfast in the library as they started—at 10:30 recess go to the office and be back in time for lunch in the library at 12 noon.

I think Schine, Stevens, and Adams made very poor witnesses—I would not believe Stevens or Adams under oath after listening to them. McCARTHY does not have a very good appearance before the television. But, I am so strong for McCARTHY's objectives and the work he is doing that I found myself defending him every day of the hearings.

I think he has made the greatest contribution to the American people in alerting and informing them how easy it was the past 20 years for the Communists to infiltrate our agencies and departments of Government. If the threat is so great from the outside as so many of those opposed to McCARTHY indicate, then we had all the more the obligation to clear our own house of Communists in high places and strategic places—to avoid sabotage and treason if the threat developed an attack from within.

I believe Roy Cohn is the smartest guy in the whole outfit—and I am afraid a compromise decision by the Mundt committee may develop whereby Cohn will be sacrificed on the McCARTHY side to offset Adams' dismissal. Stevens should be censured and allowed to resign in a few months.

As Senator McCARRAN said yesterday, I am afraid the greatest and most dangerous result is the impasse between the executive and legislative branches—the Executive order of President Eisenhower which sets a precedent for the executive department to challenge the right of the people's representatives—the legislative—and congressional committees.

Again thanks. Let me hear from you.

Sincerely,

HARRY H. WOODRING.

Mr. WELKER. I should like to have the Senator from Oregon [Mr. MORSE] remain on the floor for a brief observation.

Mr. President, a moment ago I was trying to draw a line as to where we could go with respect to remarks made in debate on the floor of the Senate, in committee hearings, and things of that nature. I am referring to a speech made by my distinguished friend from Oregon at the Volunteers for Stevenson rally on Friday, 8 p. m., October 24, 1952, in which he was giving to the American people his reasons for leaving the Republican Party. I certainly am not critical of the Senator he has every right in the world to do that.

But for the purpose of this debate—and I say this seriously, Mr. President—I should like to know how far a Senator can go without being hit on the head with one of these resolutions of censure. I quote from page 3 of the press release, the text of which, I presume, was prepared by the distinguished Senator from Oregon, in which he said:

When Eisenhower stooped in demagogic fashion to raise false hopes in the hearts of the mothers and fathers of the boys in Korea by leaving them with the impression that if he were elected President he would bring the American boys home from Korea and train South Koreans to fight against Communist Asiatics, when he did that, he reached a new low in political campaigning.

In the last paragraph of that page, my friend from Oregon—and he is my friend—stated:

When Eisenhower played politics with the cause of freedom in Asia, he lost my vote and he lost my support.

I bring that up not in a derogatory manner against my friend from Oregon, because, perhaps, in the heat of political campaigns I have slugged just as hard, but I want this question determined once and for all: How far can we go in these matters without subjecting ourselves to a resolution of censure?

I ask my friend to please let me continue. I have bored the Senate for a long time. I know the Senator will speak again on his subject. I have stood on the floor of the Senate and urged and argued for wire-tap legislation, which would permit the Federal Bureau of Investigation and the Department of Justice to find the espionage agents and saboteurs who are within our midst. I have been told I was invading the right of privacy by suggesting such an awful thing, that I was in fact losing my mind, when I tried to say that a wire-tap interception was no different in principle from a microphone concealed in the room of any person or persons, which, as the distinguished Acting President well knows, is the basis for competent evidence.

I have never yet seen any Senator who offered to send a resolution of censure down on that score even though it is claimed to be an invasion of the right of privacy of our citizens. The only privacy such action would invade is the privacy of an espionage agent or a saboteur seeking to destroy this country. It would put a roadblock in the way of such persons, instead of a roadblock in front of the Federal Bureau of Investigation and the Department of Justice.

I hope and pray I can prepare a substitute bill which will satisfy the Committee on the Judiciary, and that we can bring such a bill to the floor of the Senate and discuss that subject in honest and honorable debate, without rancor or bitterness. I was appointed to make a study of that subject and to study the bill. I have worked diligently. I do not want to be censured because of the fact that I recommend a wiretap measure which, in my opinion, is the only method by which we can catch subversives and espionage agents in the United States of America.

What is the difference between a wiretap and a monitored telephone conversation? In my opinion, monitoring a telephone conversation is actually a crime. I have studied section 605 of the Federal Communications Act in its entirety, and I believe it is so prohibitory that in effect such an action is a crime.

Yet we stand here in these great temples of marble, where people get the odor of marble and think they are great, and we see no resolution of censure introduced in regard to those who tap wires when the other person has not been notified.

Mr. President, I am about to reminisce a bit. I am looking at one of the dearest friends I have in this body, the able senior Senator from North Dakota [Mr. LANGER], whose honor, in my opinion, is above reproach.

I have the honor of working for the Senator night and day, trying to do the job he has assigned to me on the busiest committee in the United States Senate.

I well recall when the Senator from North Dakota came to the 83d Congress. The Senator has spent his adult lifetime serving the people of North Dakota.

Whether we like it or not, the people of North Dakota like it. The Senator has served as Governor of his State. I have visited the Senator's great State, and I say that if anyone wants a set of false teeth in a hurry, let him go to North Dakota and say something derogatory about that fine man.

When the new administration took over I was sitting in my office, and the Senator from North Dakota paid me a visit. The Senator appeared depressed and acted as if sorrow had overcome him. He came to me and said: "Senator, my political opponents have filed some 60 charges against me, charges which seek to invalidate my election and throw me out of the United States Senate."

He said: "Herm, will you help me?"

I said: "BILL LANGER, a man is presumed to be innocent until proved guilty beyond a reasonable doubt."

There was some "horsepower" behind those 60 some charges. Great and powerful politicians were involved.

I do not know why the Senator from North Dakota came to me. I have no special ability to represent a Senator who is charged by another with having ruined his life. I would rather represent a man charged with murder than fail in an attempt to satisfactorily represent a Senator who has had such vicious charges filed against him. I said: "BILL LANGER, I do not know how well I can do the job, but you have me; you have me in every hour, every moment of a fight that is yours."

The greatest tribute I ever had paid to me, Mr. President, was to see tears come to the eyes of that great man, my friend from North Dakota, who gave me his hand and said, "Thank you very much."

Nothing happened with regard to those 60 charges. That was not because of any ability of mine; but in my own way I was willing to fire a cannon for a man who was being fired at eight times as viciously as is the junior Senator from Wisconsin by reason of the resolution of censure against him.

Mr. President, I am informed that the purpose of the resolution is to protect the dignity and the good name of the Senate of the United States. Despite his short period of time in this body, no Senator could desire to protect the dignity and good name of the Senate more than the junior Senator from Idaho. But I am one who was elected to the United States Senate because I made a crusade, if you please, upon the proposition that I would run every Communist out of Idaho and out of the United States, if I could find ample legal proof against him. I will work every hour I can toward that end. As I have heretofore said, when I cannot properly perform the duties of my office efficiently, the voters of my State will take care of me. It will not be necessary to propose any resolutions of censure.

I might be the next one up; but if so, let us hurry it along, because I happen to have had some experiences, as many of my colleagues have had, which were pretty close to my heart. I used as a symbol in the 1952 campaign my little next door neighbor, Jimmy Wilson. Jimmy Wilson was not my own boy, but I could not have loved him more had he been my own. I knew him from the day he was born until the day he was taken away. Jimmy Wilson was the most religious young man I ever knew. In May of 1952 I received a letter from Jimmy in Korea. He had been taken out of divinity school. He did not want to be a conscientious objector. He was a brave American. In his letter to me he said, "Senator, I feel that I am about to die. I am here where the going is tough. I am the only thing that mom and dad have. It would mean so much to them to know why I am fighting here in Korea."

I wrote back as best I could, in the words of a mealymouthed speech, if ever I heard of one, that I picked up from the State Department, hoping to give that brave boy encouragement that he might live to come home and be the great Christian minister he desired to be.

In June a telegram came from a far-off cattle ranch in the wild west, from the little city where I was born, telling me that Jimmy Wilson was dead. Jimmy Wilson was dead because of the tactics of the Communist Red Chinese, if you please.

Nothing could have hurt me more, other than the taking of my own child, because we lived as one family. I asked that his body be hurriedly brought home, and Jimmy was brought back. In the little town of fewer than 300 people, where I was born, thousands of his neighbors and his friends came to say farewell to little Jimmy Wilson. I drove down from McCall, Idaho. I arrived there late. I could not get within half a block of the church. So I want out to the graveyard where my mother and father and oldest brother are buried, to pay my respects to them, waiting for Jimmy to take his last ride and to be buried in the ground of the country he loved.

Never did I dream that I would be called upon to make the hardest speech that I have ever made or ever will make in my life. The minister turned around to me and stated, "At the request of the family, Senator WELKER will preside at the last rites at the grave."

I have never been a minister. I have to some extent neglected my religious training. All I could express was the feeling of my people in saying farewell to that young man who suffered from the tactics of the brutal Red Communists about whom the leftwingers around here yell when we are trying to get them out of our country. As long as Jimmy Wilsons are dying or are about to die, this Senator will hit Communists with everything he can get hold of, and I would welcome a censureship resolution at any time and at any place for such action.

Speaking of the rude, vigorous tactics of those who seek to save this country and bring the spotlight of public opinion upon Communist infiltration, how about those sneaking, lying Red Chinese when they broke through and killed so many at the Chosen Reservoir? It was a bitterly cold night. It was so cold the ground was frozen, and the soldiers could not dig into a foxhole. They could not get an inch deep. They had to sit there and take it. They had to meet the tactics of the "beautiful" Red Chinamen, and those Red Chinese Communists are no different from the Communists in this country and all over the world who are seeking to destroy the United States of America. They all have the same philosophy.

Mr. President, the night of the breakthrough at Chosen Reservoir it was so cold that the blood and blood plasma were frozen and could not be used for our boys who had lost legs and limbs and were maimed and dying as a result of their wounds.

Then brave American boys—God bless the fighting United States Marines there and the marines we have in the United States Senate—took jeeps and skidded out on the ice and picked up those who were injured. The tactics of the Red Chinese were a little bit rough. They sat on the hillside and shot at the rescuers and the wounded, without any thought of whether or not they were doing an honorable thing.

It is probably not right to discuss what they did to our war prisoners, but to those of us who attended the hearings held by the junior Senator from Michigan [Mr. POTTER] and heard of the atrocities committed upon our boys, it was simply shocking to the greatest degree. Yet we say, "Let us be careful of our tactics."

I wonder about our own tactics, Mr. President. Maybe I am wrong. I am asking for help. I am wondering about our tactics with respect to young Private Dickinson from Cracker's Neck, Va., when he had accepted the Communist philosophy. I think he was 1 of 26—a poor, young, ignorant, uneducated boy who had not had the benefit of attending one of our great educational institutions, which do not want anything done about academic freedom. The American people, through the Army of the United States, begged that he return to freedom, repent his sins, and be a loyal American again.

This boy from Cracker's Neck, Va., certainly cannot vote for me, and I have never seen him. All I know is what I have read in the press. He was brought back. What tactics did we use against him? This was the treatment he received; he was court-martialed and given a dishonorable discharge, and given a heavy sentence in the penitentiary.

Now let us talk about tactics from different angles. In the West we do not think that is good tactics. When we make a man a promise, when we beg him to do something, we do not turn around and do a double cross upon him—not by a long shot.

Other American prisoners were brainwashed. Colonel Schwable was one of the first men who gave out the alleged information on germ warfare in the Korean war. Actually, I think he hurt the cause of America more than did Corporal Dickinson. I do not recall that he received the sentence that that poor, ignorant kid from Virginia received.

A charge has been filed with respect to the conduct of the junior Senator from Wisconsin in his interrogation of one Annie Lee Moss. I think I am correct in saying, Mr. President, that Annie Lee

Moss was subject to a full field investigation by the Federal Bureau of Investigation, under the Federal Employees Loyalty Program, in 1948. This is information taken from a report which the Civil Service Commission provided. It was found that Annie Lee Moss occupied the position of a telegraphic typewriter operator in the Army Command and Administrative Communications Agency, Signal Service at Large, Department of the Army, Pentagon, Washington, D. C.

The description of Mrs. Annie Lee Moss' job reflected that one of her major duties was to examine messages received over the radio or wire circuits from stations all over the world; messages in tape form, in code, and clear text; to determine the coherence of such messages, whether the numbers were in correct sequence, the correctness of time and date groups, precedence, and whether complete, and to determine from procedure headings how the message should be disposed of.

I could go on with the job description. This is a portion of the job description as it was presented by the Department of the Army to the junior Senator from Wisconsin. Annie Lee Moss was dropped from her Army job prior to her hearing before Senator McCarthy because of information received by the Army to the effect that she was an active member of the Communist Party in the District of Columbia from 1943 to 1948, and had been assigned, at different times, to the northeast branch and the Frederick Douglass branch of the Communist Party and had subscribed to the Daily Worker in 1945. When she was before the committee headed by the distinguished junior Senator from Wisconsin, I understand that she testified she did not subscribe to the Daily Worker, but had received a few copies of that publication.

The Army also had information that she was a member of the Communist Political Association in the District of Columbia in 1944 and 1945. That was the reason why the Army dropped her at that time. She was later restored to her job after a loyalty hearing in which no witnesses were called to corroborate or substantiate the derogatory information against her. This information came, I am informed, from the House Committee on Un-American Activities.

As I have heretofore stated, I have all the sympathy in the world for any person who gets sucked into the Communist conspiracy. I hope and pray that whatever the end result is, Annie Lee Moss will be repentant, and that she will be a loyal and good American citizen from this time forward.

Let me say a word with respect to Mary Markward, the undercover FBI agent, who was working for the junior Senator from Wisconsin. She has appeared before the Subcommittee on Internal Security time and again. She is one of the most outstanding witnesses I have ever seen. I do not believe she would lie for any person or persons. She testified that she had received dues from one Annie Lee Moss.

In the telephone book, I am informed, there are two persons by that name. The first name of one person is spelled "Annie"; the first name of the other is spelled "Anna."

An investigation was made of the other person, Anna Lee Moss, who had never, at any time, had the job as described by the Civil Service Commission. She never, at any time, came within the examination of the FBI or had a loyalty hearing under the Federal Employees' Loyalty Act. For many years Mary Markward lived in the Communist Party as an agent working for the FBI and her country. As I have said, the person named "Anna Lee Moss" never had the job described by the Civil Service Commission, and never lived at the address as given by the person whose testimony and whose activities brought about the charge by the junior Senator from Wisconsin.

I do not know how far one can go in these matters. I wonder why the head of a committee should not be permitted to cross-examine at length, when he has before him, under oath, a person who acted as an FBI undercover agent, who would face the penitentiary should she commit perjury.

Mrs. Annie Lee Moss, I am informed, stated that she was born in Chester, S. C., on August 9, 1905; that she lived at 525½ Second Street NE. in 1943; that for a short time she lived in the 600 block of Second Street NE., the home of Hattie Griffin, who had been identified as a Communist Party member by the same Mary Markward whose job it was to collect dues and to investigate other persons. Mrs. Annie Lee Moss stated she was employed as a cafeteria worker in the Pentagon from 1942 to 1944. Mrs. Markward testified that although she could not positively identify this person as being the person who paid her the dues, she did recall that Mrs. Moss was a colored woman, about 38 years old, who lived in the vicinity of Second and F Streets NE., and worked in the Pentagon cafeteria. The record bears Mrs. Markward out, as Mrs. Moss was exactly 38 years old in 1943. The other identifying information is also corroborated by the record. Hattie Griffin advised the investigators that Mrs. Moss did in fact live with her a short time, but, of course, as I say, denied party membership.

On February 24, 1954, Miss Sallie F. Peek, after having been identified by Mrs. Markward as being in the same Communist Party group as Annie Lee Moss, sought refuge in the fifth amendment upon being asked about her Communist Party membership and as to whether she recruited Annie Lee Moss into the party.

On the basis of the positive identification of one Annie Lee Moss by Mrs. Markward, and since the other person known as Anna Lee Moss never lived in the northeast section and was not similar in physical makeup or height, I cannot see why the junior Senator from Wisconsin should be censured for his interrogation of that unfortunate person.

Mr. President, I could go into that subject at length, but I have already taken too much time of the Senate.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. WELKER. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I must say I share the Senator's opinion that there are no adequate grounds for censure in the Annie Lee Moss case because of the questions asked by the junior Senator from Wisconsin. However, I think some of the interrogation by counsel for the committee was not adequately based, and I think that was the opinion of the Senator from Arkansas and the Senator from Missouri. However, the Senator from Idaho is not correct when he states that Mrs. Markward identified Annie Lee Moss in the sense that she identified her in person.

Mr. WELKER. No. I did not mean to leave that impression. I said she could not remember. Did I not say that?

Mr. KENNEDY. I wanted to make sure of that, because at the end the Senator from Idaho said Mrs. Markward identified Annie Lee Moss.

Mr. WELKER. No. What I intended to say was that she recalled certain facts about Annie Lee Moss. She could not identify her by seeing her face.

Mr. KENNEDY. I thank the Senator.

Mr. WELKER. I want to be as fair as I can, because I certainly do not want to do an injustice to the lady or to anyone else.

In conclusion, Mr. President, I am wondering what the direction of all this activity is. I have not heard answered the question that is in the minds and in the thoughts of 90 percent of red-blooded Americans, as to who promoted Major Peress, and who had him returned from Seattle when he had overseas orders. After he was disclosed by the junior Senator from Wisconsin as having altered his oath, and as having been a fifth amendment Communist, in my book, as well as in the book of the junior Senator from Wisconsin, I want to know what was wrong with that sort of procedure.

Oh yes, these liberals seem to weep and wail with respect to that. Jimmy Wilson is not here. He is in his grave in Cambridge, Idaho. But Major Peress is free. I assume he is practicing his profession of dentistry, and may well receive all benefits as an honorably discharged war veteran. With all respect to Secretary of the Army Stevens, he admitted that a mistake was made. All that goes to show that mistakes can happen. I say that the Major Peress case was a vicious mistake, and the American people will not be satisfied until that mistake is explained clearly and fully, with names, dates, times, and places.

Oh, yes, vicious tactics were used when Major Peress was interrogated, which brought on interrogation of General Zwicker.

I suppose the tactics were the same as those used by Big Bill Haywood out in Centralia, Wash., in 1919, when in that fine little city of the Far West an American Legion post was organized and the first parade was held, from an office occupied by the "wobblies," sometimes called the IWW, dictated and governed by Big Bill Haywood. What tactics were used? The same tactics Communists use today. Warren Grim, commander of that American Legion post, was hit with a bullet. Blood gushed out of his mouth. The parade of those brave men who saved

this country in World War I came to an end. And what happened to Big Bill Haywood? Where did he go? Did he go to New York City or any place in this country? He fled at once to Russia, and remained there until he died.

We talk about tactics. As the Senator from Nebraska [Mr. REYNOLDS] said the other day in his speech, the tactics of a hot bullet are much rougher than any question any Senator can ask one of those cowards, whoever he may be, who embrace the philosophy of communism.

I know a great deal about Big Bill Haywood. His name became famous as a result of his activity in my State. He was responsible for getting in office the man who once occupied the desk in this body which I now have the honor to occupy. He was responsible for the great name of Clarence Darrow, because the philosophy and tactics were the same then as those employed in the Communist conspiracy now. Big Bill Haywood, Moyer, and Pettibone engaged a paid killer to bomb and kill the Governor of Idaho. A time bomb was planted at the garden gate. It was known at what time he would reach that point. William E. Borah, then a young man, and one of the ablest trial lawyers this Nation ever had, was appointed as a special prosecutor. Clarence Darrow was hired to defend. A verdict of not guilty was entered. Suffice it to say that Harry Orchard, whose true name was Albert Horsley, was the paid killer.

The junior Senator from Colorado [Mr. MILLIKIN] has just asked me if Harry Orchard is still alive. I inform the Senator that he died about a month ago. He threw a bomb in the Denver Union Station. I would not hazard a guess as to the number of persons killed, but it was a large number.

Big Bill Haywood was a paid killer known throughout all the West. After the Centralia incident, that gentleman sought a haven in Russia. If Big Bill Haywood were not now deceased, as I believe he is, no doubt he would be enjoying a life of happiness with the Kremlin group who would destroy the things we hold so dear to our hearts.

I have heard it stated that the Secretary of Defense has said he is going after subversives wherever he can find them. Of course the FBI will do the same, and of course the Department of Justice will do the same. I wish to say to my distinguished friend, the junior Senator from New Jersey [Mr. HENDRICKSON], who now occupies the chair, that he knows how devoted I am to the newly appointed Assistant Attorney General, William Thompkins, of the great State of New Jersey, who will do a tremendous job in gaining information and in prosecuting Communists, who are dedicated to the overthrow of our country by force and violence. There is no jealousy between departments or committees or other Government agencies in the case of these matters. It is our job. I say to the Senator from New Jersey that if and when the time ever comes when it is no longer necessary for congressional committees to investigate communism or anything else, what a beautiful, peaceful time not only I and the junior Senator from New Jersey, but all other Members of the Senate who are engaged in that hard work, will have.

Mr. President, much has been said about the Lustron case. I sat with the distinguished Senator from New Jersey through weeks and months of a hearing that I could not stomach, and finally I resigned in disgust, and publicly stated that the subcommittee was politically inspired, in an attempt to tell the people of Wisconsin whom they should send to the United States Senate. I have never regretted that act, because I knew that day after day, following the interrogation of witnesses by several Senators, as soon as the testimony was received in executive session, much of the testimony would be "leaked" to leftwing, New Deal columnists—even before the committee reporters had a chance to transcribe the testimony.

The Senate well recalls the day when we called before the subcommittee a young newspaper reporter, and asked him to reveal the source of his information on which he had based a newspaper story which should have been kept within the confines of the committee, in view of the fact that the testimony was taken in executive session. We got from that reporter nothing but an answer that it was not very much of our business. That was the end of that.

I was in Idaho when a man I did not even know—an investigator—told me that that hearing was nothing but a one-sided attempt to take action against one Senator and to absolve another, and that he had had enough. I well remember that the minority counsel, whom the Senator from New Jersey and I had such a job getting employed by the subcommittee, called me in sheer desperation and said he wanted to resign because it was nothing but a political hatchet group. I begged him to remain, because if he had resigned there would not have been much left for any of us to do.

The Lustron matter was discussed. I am certain that the distinguished junior Senator from New Jersey remembers the cross-examination of Mr. Strandlund. I myself engaged in that cross-examination. I had never seen Mr. Strandlund before, and perhaps I shall never see him again. I questioned him at length about that matter.

Mr. President, I believe, as do many others, in giving a man a fair break and in giving him what is coming to him. If he is wrong, then let us give it to him the hard way. If he is right, let us try to stand up for him.

On Sunday, March 15, 1951, the Post-Standard, a newspaper printed in Syracuse, N. Y., published a very critical editorial regarding the junior Senator from Wisconsin [Mr. MCCARTHY]. On Friday, October 19, 1951, after the junior Senator from Wisconsin had filed suit against the Post-Standard, and after the matter had been at issue, and was ready for trial the next day—and I shall take judicial notice of the fact that in a city as large as Syracuse, and in the case of a newspaper as great and strong as that one, having been founded in 1829, I believe, I rather assume that the newspaper had the finest counsel that money could employ—the newspaper settled, I am informed, by paying the junior Senator from Wisconsin $16,500 in cash; and the newspaper had the following to say by way of an apology to the junior Senator from Wisconsin in regard to the Lustron case:

> The editorial of March 15, 1951, also criticized Senator MCCARTHY for a financial transaction with the Lustron Co. The facts in this case are these—

Mr. President, this is not the junior Senator from Wisconsin speaking; this is the Post-Standard, a great newspaper of the State of New York.

I quote further from the editorial of apology.

> Senator MCCARTHY had prepared a book advising veterans how they could finance home purchases and obtain full advantage of all helps and provisions of Federal housing law. He entered into an agreement with the Lustron Co., whereby they undertook to publish and distribute 100,000 copies of this book, and to pay him 10 cents a copy for these, and 5 cents a copy thereafter. This agreement was entered into after Senator MCCARTHY's party, the Republican Party, had been defeated in the 1950 elections, and had lost control of Congress, and Senator MCCARTHY was very unpopular with the Truman administration. It is not possible, therefore, that Senator MCCARTHY could have been useful to the Lustron Co. with the Truman administration.

I read further from the editorial:

> There has not been evidence presented before any committee or elsewhere that Senator MCCARTHY in any way attempted to intercede on behalf of Lustron. The Post-Standard is therefore convinced that Senator MCCARTHY's part in this transaction was on the same plane as the common practice among legislators of accepting fees for speeches and earning other fees for legitimate services.

Mr. President, why at this late and unusual hour do we bring up this dead body again? The people of Wisconsin had a chance to pass upon the facts as to whether the junior Senator from Wisconsin [Mr. MCCARTHY] was a liar and a thief and would doublecross his own Government and would sell out for a measly $10,000. Yes, the Lustron case was pointed to all over Wisconsin—in fact, all over the United States—as were other cases, in an attempt to convince the people of Wisconsin that the junior Senator from Wisconsin should not be returned to the Senate. But the people of Wisconsin spoke, and I think their speech should be final.

No doubt many of us have been unpopular. I think of the days when I used to read about a distinguished statesman, whose son happens to be one of my intimate friends, and who occupies a seat in this great body. I read in the press that he was a demagog, that he was everything in the world but what I found him to be. There was so much adverse publicity that that man lost his life; he was assassinated, if you please. Mr. President, Senator William E. Borah, of Idaho, once told me that that deceased Senator, Senator Huey Long, was one of the greatest men who ever occupied a seat in the United States Senate.

Contrast that statement with the smear, ridicule, and abuse which he received, even to the point of losing his life. Contrast that with the fact that Chief Justice Taft of the United States

Supreme Court said that he was the most brilliant counselor ever to appear before the Supreme Court of the United States during his time. Oh, yes, politicians are easy prey.

"Thou shalt not follow a multitude to do evil."

I am wondering yet if anyone who has entered this Chamber can tell me whether or not the Senator from Illinois [Mr. DIRKSEN] lied to this body in his speech the other night. If he did, I want him to be censured, just as there has been an attempt to censure the junior Senator from Wisconsin. As I said at the outset, I will be with JOE MCCARTHY when he is right, and I will be against him when he is wrong, and I will let the chips fall where they may.

Mr. President, the greatest speech I have heard on this subject was the learned legal discourse by the distinguished junior Senator from Texas [Mr. DANIEL]. He had made a profound study of the four precedents. Keep in mind that only four times in the history of our country has this vicious principle ever been used. He studied this question night and day, and came before the Senate Saturday with a most profound legal argument. I was thrilled to hear his statements.

What did he say? He said that a move such as this—and he supported it by precedents and by the law stated therein—was, in fact, a criminal action, and that it should be handled as a criminal action; that the defendant should be entitled to a bill of particulars.

I cross-examined the Senator from Texas with respect to a few matters. I ask the Senate if his statement is the truth, if this is a criminal action, in the great judicial institution which we have for the defense of the innocent, when did it ever happen in America that a man was not permitted to be faced by his accuser? When did it ever happen that a man had to go to trial before a jury of his peers, knowing that some of them were biased?

The junior Senator from Arkansas [Mr. FULBRIGHT] who submitted the resolution before the last one, was the only Member of this body who voted against the appropriation to continue the work of the committee headed by the junior Senator from Wisconsin.

Mr. President, do Senators think I would be naive enough to go to trial before a man who would hold up his hand and swear to God that he would give the defendant a fair and impartial trial upon such evidence as that alone?

There has been personal hatred in these matters. That is something that we do not like. But certainly the defendant in this case is entitled to the voir dire examination of the jury. He can ask them whether or not they have made up their minds, whether they would have scruples, one way or the other, in arriving at a fair and impartial verdict.

He could ask them under oath, as should be the case if we are to follow the American system of jurisprudence, whether or not they had an opinion. If they had an opinion for or against the defendant, he could ask them the further question, whether that opinion is such that it would require evidence to remove, and if the answer were "Yes," the court, the presiding judge—and we have none here—would say, "The juror will step down. The next juror will please come forward." The junior Senator from Wisconsin is entitled to a trial by a fair and impartial jury, and I am sure that he will get just that at the hands of a preponderance of these able Senators.

Why should there be even one vote against the Senator from Wisconsin, based upon prejudice or upon something other than the American system of justice and fair play? What sort of evidence do we want? What sort of evidence does the Senate hear argued as a basis for assuming the guilt or innocence of the accused, who, as the Senator from Texas [Mr. DANIEL] says, is before us on what really amounts to a criminal prosecution?

Senators want to hear evidence, some of it outlawed by the statute of limitations years ago, and some of it based upon political expediency.

When I interrogated the junior Senator from Arkansas [Mr. FULBRIGHT] the other day and told him I resigned from the Subcommittee on Privileges and Elections because I felt that it was, in fact, a political committee, what did he say? He said, "All committees must play a little politics."

Is that not wonderful? He submits a resolution to censure this man, knowing at the time he submits it that politics had been played in connection with the evidence which he seeks to adduce to convict the junior Senator from Wisconsin for one of the most infamous crimes that a public servant could ever commit.

If this case were being tried in an orderly court of law, even in Mexico—and we have heard a great many observations with respect to Mexican justice—upon the testimony and evidence used here, where this man is deprived of the right of counsel, and deprived of the right of cross-examination, he must submit to evidence against himself, no matter how old or how new. He must take that evidence, and he cannot be heard to deny it. Even in Mexico the junior Senator from Wisconsin would have a fair trial.

The people of Wisconsin, who sent the junior Senator from Wisconsin here, are put completely out of bounds. This august body tells the people of Wisconsin that they know not what they do. I say to Members of the Senate that there is not a lawyer present listening to my voice who would not say that upon the facts adduced here, with the penalty prescribed and urged here, there is not a court of law in the land which would not grant a directed verdict as soon as the evidence was laid before the court.

This man is entitled to the presumption of innocence. That presumption of innocence should attend him throughout the trial. He is presumed to be innocent until proven guilty beyond a reasonable doubt, and to a moral certainty.

Where is the presumption here? Who is to instruct the jury of 96 Senators? I do not know of a court of law in the land, presided over by one who is learned in the law and profound in honor and in justice, who after hearing a case as terrible as this one, would not instruct the jury as to just how far it could go.

I am not asking for sympathy because, Mr. President, tomorrow may be my day. I hope that it will never be your day, Mr. President, because you are retiring from the Senate to live a quiet and peaceful life, which I hope will bring you everything that is good in this world.

The next time someone may become angry at the Senator from Ohio [Mr. BRICKER], or the night riders or Ku Klux Klansmen may organize a plan to liquidate the Senator from Ohio. The next victim may well be the senior Senator from North Dakota [Mr. LANGER], or the Senator from Michigan [Mr. POTTER]. Of course I have little doubt that when those people organize I will be one of the first victims.

I want everyone to know that I am ready, willing, and able to take them on at any time. However, I prefer to let the people of my State and not some cowardly leftwing writers who smear and abuse anyone who stands up for his country be the judge of what I do. I do not want any groups who are out to kill off any of us so-called conservatives to dictate to the conscience of this great, august body, sometimes called the greatest deliberative body in the world.

Some day I may send a resolution to the desk censuring a Senator for filibustering. I am becoming sick and tired of seeing pages of pictures of little 14-year-old youngsters, published in newspapers throughout the land, because certain Senators think they are doing something smart by keeping the Senate in session day after day, night after night, week after week. It might be very clever to talk for 22 hours on 1 subject, but so long as we are determined to preserve the dignity of this great body, I am about ready, if this resolution of censure prevails, to fire down, as the next item, a resolution of censure on silly filibusters, when the same subject matter has been debated over and over again at least 500 times. I am quite certain that a number of my colleagues would join me in such a resolution of censure.

It is very easy to ruin a man in public life. Perhaps JOE MCCARTHY, by virtue of this resolution, has been ruined. However, before anyone starts counting his chips and rejoicing over his victory, I would suggest that he go to one of the most beautiful States I ever visited and walk down the streets of the cities and towns of Wisconsin and find out from those people whether they are going to be dictated to by those who ask us to follow a multitude to do evil.

Mr. President, I am sorry to have detained the Senate this long. I have felt from the bottom of my heart the sincerity of my position. I rose the other night in anger when I heard the third charge made in the original Flanders resolution—and the Senator from Vermont is my friend—in which it was stated that JOE MCCARTHY had contempt for people. I am happy to say that I received a little letter today from my only child, thanking me for standing up for her, because she knows better than anyone else that

I know that JOE MCCARTHY does not have contempt for people.

As I have often said, I have differed bitterly with that Irishman, and I have blistered him time and time again. No doubt I will do it again. However, no one can tell me that that Irishman would not give the shirt off his back to anyone who needs it, except a dirty, lying, stinking Communist who is dedicated to the overthrow of this country by force and violence.

LEAVE OF ABSENCE AND PERSONAL STATEMENT

During the delivery of Mr. WELKER'S speech,

Mr. SCHOEPPEL. Mr. President, I first ask unanimous consent to be absent from the Senate from 5 o'clock tonight until Tuesday evening next, because of a desire to return to my home State for the primary elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHOEPPEL. Mr. President, it appears I shall not have an opportunity to vote on this important matter before I leave the Senate tonight. I wish to have the Members of the Senate know if I were present to vote, I would not support the resolution of the distinguished Senator from Vermont [Mr. FLANDERS].

I cannot in good conscience vote to condemn any Member of the Senate on the basis of such a wide-open resolution as is now before the Senate. I shall never be ready to condemn in any such fashion, without the facts and circumstances being set forth and supported.

Mr. President, to do otherwise, in my judgment, would be to establish such a dangerous precedent for the denial of the high standards of justice which are the rights of every American citizen who is accused and sought to be brought to account, that it would haunt us.

Mr. President, when the Senate undertakes to condemn and to try one of its Members, I prefer that it do so free from personalities, free from rancor and political differences and bitternesses. The Senate of the United States should be big enough and fair enough to do that, so that it may finally feel secure in its action in this important matter. Therefore, I shall not support the Flanders resolution. In my opinion, the whole question should be considered by an appropriate, unbiased, nonpartisan committee. The junior Senator from Wisconsin should be given an opportunity to hear specific charges and submit his defense. I hope that such action is taken. I hope that such a committee submits its report before we adjourn, so that we can finish with this matter once and for all.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The Chair would like to take the liberty of wishing the people of Kansas well in the primary which lies ahead.

Mr. SCHOEPPEL. I thank the distinguished Presiding Officer.

During the delivery of Mr. WELKER'S speech,

Mr. MORSE. Mr. President, will the Senator from Idaho yield to me?

Mr. WELKER. I yield.

Mr. MORSE. I ask the Senator from Idaho to yield, subject to the understanding that I shall speak for not more than 3 or 4 minutes on a matter of personal privilege. I make this request with the understanding that my remarks will be printed in the RECORD following the remarks of the Senator from Idaho.

Mr. WELKER. I am glad to yield, so long as the Senator from Oregon asks a question.

Mr. MORSE. Let me make clear to the Senator from Idaho that I am asking him to yield for a matter of personal privilege. I wish to comment on something the majority leader said earlier in the day, by way of reading to the Senate a communication from former President Truman. I wish to reply to that. It will not take me more than 3 or 4 minutes. So I ask the Senator from Idaho to yield for that purpose, with the understanding that in yielding to me, he will not lose the floor, and also that my remarks will be printed in the RECORD following his remarks.

Mr. WELKER. Very well, I yield, if unanimous consent may be had to that effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the Senator from Oregon may proceed.

Mr. MORSE. Mr. President, while I was in my office, working on a speech, to be given by me later, on the merits of the business now before the Senate, I was advised that the majority leader [Mr. KNOWLAND] read a communication from former President Truman. Let me say that I have asked my staff to see that he is notified that I am about to speak on this matter; but in view of the fact that I shall not make a personal derogatory reference to him, it is perfectly ethical and proper for me to speak now in his absence. However, later I shall tell him of anything I say in his absence by way of reference to him. The statement from ex-President Truman as read to the Senate by the majority leader was carried on the ticker and I have just seen it. It was given to me by the senior Senator from Minnesota [Mr. THYE], the acting majority leader, although the substance of it was related to me over the telephone by a newspaperman. It reads as follows:

> Former President Truman said he had "no recollection" of giving Senator WAYNE L. MORSE any top-secret document during the 1952 presidential campaign.
>
> Mr. Truman is at home here recuperating from abdominal surgery performed 6 weeks ago.
>
> "While I have every confidence in Mr. MORSE'S veracity," Mr. Truman said, "I have no recollection of any such document."

Mr. President, let me make very clear that I do not cast the slightest criticism upon former President Truman. After all, the President speaks to many persons. On the other hand, it is a rare experience for one to converse with the President. When one converses with the President, one does not easily forget the conversation; it usually is indelibly imprinted upon his mind, memory, and recollection.

So, Mr. President, on the basis of notes made in my office at the time, and on the basis of checking on them, I wish to present the following recollection of a telephone conversation with President Truman on the morning of October 25, 1952. I talked to President Truman about 9 a. m., the morning of October 25, about General Eisenhower's speech the night before, at Detroit. I asked President Truman if he were aware that General Eisenhower had made many misstatements of fact in his speech, particularly in connection with who was responsible for taking the American troops out of South Korea in 1949. The President expressed his opinion that Eisenhower's speech was full of misstatements and misrepresentations. I told the President that as a member of the Armed Services Committee I recalled that, back in 1947, the Joint Chiefs of Staff had recommended that the troops be taken out of South Korea as a matter of military policy and strategy, and that at that time Dwight Eisenhower was Chief of Staff of the Army.

I told the President that I understood there was a classified document down at the Pentagon Building which bore out that fact. He said he was working on an answer to Eisenhower's speech of the night before which he would make in Indiana the next week, and that he was familiar with the document to which I referred. I told him that I was preparing a speech to be given at Minneapolis on the next Monday, and that if he would care to make the document available to me and authorize me to refer to it and quote from it in my Minneapolis speech I would prove to the Nation that Eisenhower had misrepresented the facts in his Detroit speech. The President said that he would have a copy of the document on my desk within the hour, and that I would be free to exercise my judgment by using it in any way the situation at Minneapolis warranted. He said there was nothing in the document which at that time should not be known to the public, particularly in view of Eisenhower's misrepresentations in his speech the night before. The document was delivered to my office by a messenger about 45 minutes later.

I quoted from the document in the Minneapolis speech on Monday and in my New York speech on Wednesday. On both occasions I answered inquiries from the press about the source of the document by saying that I would not quote from the document if I did not have authorization from authority high enough to give it to me to use the document. Between my Monday speech in Minneapolis and my Wednesday speech in New York, Senators KNOWLAND and FERGUSON called upon the Department of Justice to investigate me on a charge that I had made illegal use of a classified document. I replied to them in my New York speech by saying that I had full authority to use the document, which I did have, and from authority high enough to give it to me, as I have just pointed out.

In my New York speech, after explaining my position on the document, I said I would ask the following question of the Republican candidate for President:

> When are you going to come clean and tell the American people whether it is true or false that you joined in a unanimous recommendation of the Joint Chiefs of Staff

in 1947, when you were Chief of Staff of the Army, that the American troops should be taken out of South Korea as a matter of military policy and strategy?

I am still waiting for the answer to that question.

In my New York speech I also said that I would welcome any investigation by the Department of Justice, and that was my answer to Senators KNOWLAND and FERGUSON.

I give the same answer today.

Incidentally, Mr. President, it should be noted that the same day I made my speech in Minneapolis, President Truman himself referred to the position of the Joint Chiefs of Staff as set forth in the document, in a speech in Indiana, I think it was at Gary, although time has not permitted me as yet to research into the exact city in which he made his speech. However, I recall vividly that President Truman spoke in Indiana on the same day that I spoke in Minneapolis. The President himself referred to the same position taken by the Joint Chiefs of Staff in 1947, as I did in my Minneapolis speech. In subsequent speeches, Mr. President, the President of the United States, at that time on a campaign tour, referred to the position taken by the Joint Chiefs of Staff in this matter, just as I had in my speeches at Minneapolis and New York.

I wish to have it distinctly understood that I made no criticism of President Truman. I consider him one of our history's great Presidents. However, in fairness to myself I have made the foregoing statement based upon my office notes and my very clear recollection of the events that preceded my use of the document.

I thank the Senator from Idaho [Mr. WELKER] for permitting me to make the statement—I made the statement, Mr. President, because my recollection is as clear as crystal as to what happened.

I close by emphasizing that my statement is meant as no reflection upon the ex-President at all. I am not at all surprised that he does not recall the incident. As President he lived a life consisting of a chain of experiences with a multitude of details and thousands of conversations each month. But I know the conversation I had with President Truman, I know how the document came into my possession, and I know the authorization that I had to use the document. Further, I recall that the then President of the United States himself referred to the document in his own speeches.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. IVES] to add certain instructions in the motion of the Senator from California [Mr. KNOWLAND].

Mr. IVES obtained the floor.

Mr. KNOWLAND. Mr. President, will the Senator from New York yield so that I may suggest the absence of a quorum, with the understanding that he will not lose his right to the floor?

Mr. IVES. I should like to submit my proposed modification of the motion before the quorum call is had.

Mr. KNOWLAND. I think it would be for the benefit of the membership to have a quorum at this time, if it is agreeable to the Senator from New York, because I expect to be able to accept the Senator's proposed modification.

Mr. IVES. Mr. President, with the understanding that I will retain my right to the floor, I yield.

The PRESIDING OFFICER. That right will be reserved.

Mr. KNOWLAND. Mr. President, with that understanding, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	McCarran
Anderson	Goldwater	McCarthy
Barrett	Gore	McClellan
Beall	Green	Millikin
Bennett	Hayden	Monroney
Bricker	Hendrickson	Morse
Bridges	Hennings	Mundt
Burke	Hickenlooper	Murray
Bush	Hill	Neely
Butler	Holland	Pastore
Byrd	Humphrey	Payne
Capehart	Ives	Potter
Carlson	Jackson	Purtell
Case	Jenner	Robertson
Chavez	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Saltonstall
Cooper	Johnston, S. C.	Schoeppel
Cordon	Kennedy	Smathers
Crippa	Kerr	Smith, Maine
Daniel	Kilgore	Smith, N. J.
Dirksen	Knowland	Sparkman
Douglas	Kuchel	Stennis
Duff	Langer	Symington
Dworshak	Lehman	Thye
Ellender	Lennon	Upton
Ervin	Long	Watkins
Ferguson	Magnuson	Welker
Flanders	Malone	Wiley
Frear	Mansfield	Williams
Fulbright	Martin	Young
George	Maybank	

The PRESIDING OFFICER (Mr. FERGUSON in the chair). A quorum is present.

Mr. IVES. Mr. President, I believe that the amendment which I have offered to the motion of the distinguished majority leader is now the pending question. I desire to modify that amendment, after conversation with some of my colleagues in the Senate, so that in some ways it will be more pinpointed than it was, and not so much so in other ways.

Before doing so, however, I point out that I feel very strongly that the case presented before the Senate by the two distinguished Senators from Oregon [Mr. CORDON and Mr. MORSE], by the junior Senator from Texas [Mr. DANIEL], and by others, with the idea that justice must prevail here before we take any final action, is utterly sound from the standpoint of the welfare of the Senate, from the standpoint of precedent and, finally, from the standpoint of the welfare of the people of the United States. However, Mr. President, I feel that action of some nature, one way or the other, should be taken on this matter before this session of the Senate—I say the Senate advisedly—finally adjourns this year.

So, Mr. President, I have sent to the desk a modification of the amendment to the Knowland motion which I previously offered, and I ask that the clerk read the modification.

The PRESIDING OFFICER. The Secretary will state the modification.

The LEGISLATIVE CLERK. On line 5, it is proposed to strike out following the word "and" and add the following language:

To make a report to this body prior to the adjournment sine die of the Senate in the second session of the 83d Congress.

So that, as modified, the motion will read:

I move to refer the pending resolution (S. Res. 301), together with all amendments proposed thereto, to a select committee to be composed of 3 Republicans and 3 Democrats, who shall be named by the Vice President; and to make a report to this body prior to the adjournment sine die of the Senate in the 2d session of the 83d Congress.

Mr. KNOWLAND. Mr. President, I had misunderstood the Senator from New York [Mr. IVES]. I am prepared to accept his amendment and modify my motion accordingly. I merely wish to be certain where that language comes in. Does it come after the "and"?

Mr. IVES. In the motion of the Senator from California, I strike out everything following the word "and" in line 5. In other words, the clause "report to the Senate as expeditiously as equity and justice will permit" is stricken out, and the new language which the clerk just read takes its place. The committee is instructed to act—and I now quote the new language—"to make a report to this body", namely, the Senate, "prior to the adjournment sine die of the Senate in the 2d session of the 83d Congress." The House can adjourn and go home, and we can remain here to consider this case.

Mr. KNOWLAND. Mr. President, I am prepared to accept the amendment and so modify my motion accordingly.

The PRESIDING OFFICER. The motion is so modified.

Mr. KNOWLAND. Mr. President, I understand that the Senator from Washington [Mr. JACKSON] has a proposed amendment.

Mr. JACKSON. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On line 4, after the word "committee" it is proposed to insert the following: "which shall be authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable, and that the committee——

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. Does that amendment go in after the words "to a select committee"?

The PRESIDING OFFICER. The clerk will read the entire motion, as proposed to be modified.

The Chief Clerk read as follows:

I move to refer the pending resolution (S. Res. 301) together with all amendments proposed thereto, to a select committee to

be composed of 3 Republicans and 3 Democrats, who shall be named by the Vice President; and ordered further, that the committee shall be authorized to hold hearings, to sit and to act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable, and that the committee be instructed to act and to make a report to this body prior to the adjournment sine die of the Senate in the 2d session of the 83d Congress.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. KNOWLAND. Pursuant to a prior discussion with the Senator from Washington, I understand that this language has been prepared by the Parliamentarian and is the precise language now in the Congressional Reorganization Act, giving subpena power to standing committees. This is merely meant to apply that same power to the select committee; is that correct?

Mr. JACKSON. Mr. President, the distinguished majority leader is correct. It is my understanding that under section 134 (a) of the Reorganization Act of 1946, this power is given to all standing committees, but no provision has been made for select committees. It is my understanding that the motion by the distinguished majority leader relates to a select committee, and therefore this amendment is necessary in order that the committee may have the power provided for in this amendment.

Mr. KNOWLAND. Mr. President, I am prepared to accept the amendment as a modification of my motion.

The PRESIDING OFFICER. The Senator from California has the right and privilege to accept it. It is so modified.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

Mr. KNOWLAND. I yield for a parliamentary inquiry.

Mr. FULBRIGHT. I should like to ask the Chair if there is any precedent in the history of the Senate for reference to any committee, standing or select, of a motion to censure?

The PRESIDING OFFICER. The McLaurin and Tillman case was referred to a committee.

Mr. FULBRIGHT. Mr. President, I did not ask that. I asked if there were any precedents for reference to a committee of a motion to censure. I inquired of the Chair whether the motion of censure in the Tillman and McLaurin case was referred to a committee.

The PRESIDING OFFICER. There has never been an identical situation, so far as the Chair can learn from the Parliamentarian, except that the Tillman case was a contempt case which had been taken up first as contempt and then referred.

Mr. FULBRIGHT. Mr. President, I think the record should be clear. If I correctly understand the Chair, the record is clear that there is no precedent for reference to a committee of a motion to censure. Is that not the case?

The PRESIDING OFFICER. The Chair so rules.

Mr. FULBRIGHT. That is the case.

The PRESIDING OFFICER. That is the case.

Mr. FULBRIGHT. The fact of the matter is that in the McLaurin and Tillman case the fist fight occurred on the floor and immediately, without any action by the committee, they were cited for contempt, and that matter was referred to a committee. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. I ask the Chair if it is not correct that the motion of censure in the Bingham case in 1929, the last precedent, was not referred to any committee?

The PRESIDING OFFICER. It was not referred to any committee, but there had been a report from a committee in that particular case covering the facts.

Mr. FULBRIGHT. I desire to have the record very clear. What does the Chair mean by the words "in that particular case"?

The PRESIDING OFFICER. In the Bingham case.

Mr. FULBRIGHT. Was there a report from any committee referring to a censure motion with respect to the Senator from Connecticut, Mr. Bingham?

The PRESIDING OFFICER. There was not.

Mr. FULBRIGHT. There was not. In other words, there had been a report from a committee.

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. There are reports from committees coming to the Senate every day, are there not? Senate committees have not stopped making reports, have they?

The PRESIDING OFFICER. The Chair assumes that on many days there are reports.

Mr. FULBRIGHT. There is nearly always a report from some committee.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I have yielded to the Senator from Washington.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER The Senator will state it.

Mr. JACKSON. Some question has been raised as to whether or not the select committee referred to in the motion by the distinguished majority leader will have the right to administer an oath.

The PRESIDING OFFICER. Does the Senator refer to the motion before his amendment is added?

Mr. JACKSON. With the amendment.

The PRESIDING OFFICER. May the Chair see the amendment?

Mr. JACKSON. I refer the Chair to section 191 of chapter 6 of the General and Permanent Laws Relating to the Senate, dealing with congressional investigations.

The PRESIDING OFFICER. The Chair will say that he finds nothing in the motion, as amended, which would permit the swearing of witnesses.

Mr. JACKSON. Mr. President, would section 191 be applicable?

"Section 191. Oaths to witnesses" is found on page 195 of the Senate Manual. It provides as follows:

> The President of the Senate, the Speaker of the House of Representatives, or a chairman of any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.
>
> Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

My parliamentary inquiry is: Would that particular provision, section 191, be applicable in the event the motion made by the distinguished majority leader were adopted?

The PRESIDING OFFICER. The Chair was speaking of the amendment as read by the clerk; there is nothing in it to permit the administration of an oath. Section 191, "Oaths to witnesses," contains the words:

> Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

Giving certain citations. The Chair rules that that language would authorize this select committee, or any member thereof, to administer oaths to the witnesses and take sworn testimony.

Mr. JACKSON. It is the understanding of the junior Senator from Washington that it would not be necessary to include language authorizing the administration of oaths, in view of section 191 of the general and permanent laws relating to the Senate, which would apply to the proposed select committee.

The PRESIDING OFFICER. The Chair rules that, while the request borders on a legal interpretation of a rule, the Chair will accept it as a parliamentary inquiry and will state that the section would permit the administration of oaths by any members of the select committee proposed in this motion.

Mr. LEHMAN. Mr. President——

Mr. MORSE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. LEHMAN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. KNOWLAND. I yield to the Senator from New York.

Mr. LEHMAN. The junior Senator from New York inquires whether the motion offered by the distinguished majority leader and modified by the amendments of the senior Senator from New York [Mr. IVES] and the junior Senator from Washington [Mr. JACKSON] is now before the Senate, and whether it is in order for the junior Senator from New York to speak on that amendment?

The PRESIDING OFFICER. It is not permissible because the Senator from California [Mr. KNOWLAND] has the floor. The Senator has been yielding for parliamentary inquiries.

Mr. MORSE. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield to the Senator from Oregon.

Mr. MORSE. I wish to refer to the point raised by the Senator from Arkansas [Mr. FULBRIGHT].

Mr. President, from my study of the authorities thus far, I think it is true that there is no precedent for the Senate referring to a select committee a motion of censure. I do not think there is in the history of the Senate any case on all fours with this. But we have some cases which are somewhat analogous, I think, and I desire to invite attention to a couple of cases referred to in previous speeches; one at some length by the Senator from Arkansas [Mr. FULBRIGHT] and another by the Senator from Texas [Mr. DANIEL].

I take the information from volume II of Hinds Precedents, page 1138, refering very briefly to the Foote case of 1850. Hinds says:

> In 1850 occurred an episode between Messrs. Thomas H. Benton, of Missouri, and Henry S. Foote, of Mississippi, in the Senate, in which the latter menaced the former with a pistol. The subject was referred to a select committee, who made a report giving the facts in the case, and condemning the practice of carrying arms in the Senate as well as regretting the flagrant breach of order. The report further stated that this was the first instance of disorder of this kind in the Senate. There was no recommendation for action and no action was taken by the Senate.

Of course, there were expressions of regret on the floor of the Senate by the Senators involved.

Just a word about the Tillman case. Although there was not involved in that case a question of censure, the Senate was dealing with the taking of judicial notice of a contempt committed before its very eyes. That contempt took two forms. One was the statement of the Senator from South Carolina, Mr. McLaurin, in which he said:

> I now say that that statement is a willful, malicious, and deliberate lie.

Of course, that was obviously a violation of the rules of the Senate as to proper conduct on the floor, and the Senate took judicial notice of such conduct. Then there followed the altercation, in which Tillman went over and struck McLaurin in the face. In the heat of passion, McLaurin made certain assertions which the Senate found were not in keeping with proper decorum in the Senate.

In that case the Senate was dealing with a contempt of which the Senate took judicial notice through its vision and hearing. That case was referred to a select committee.

It seems to me those two cases are sufficiently applicable to the procedural problem before the Senate at the present time, namely, that the charges which have been made and leveled against the junior Senator from Wisconsin, now in some specified form, raise a question for consideration by a select committee. Even outward acts of contempt in the cases I have cited caused the Senate, in past history, to send the matters to select committees. If the Senate sent to a select committee, for the taking of evidence and subsequent report to the Senate, a case involving misbehavior openly committed on the floor of the Senate by way of menacing a Senator, in one case, and in the other by striking him in the face, I think it is precedent for sending to a select committee a question of this kind involving censure.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I should like to know how the Senator from Oregon distinguishes the present case from the Bingham case, which the Senator does not seem to be discussing. How would the Senate deviate from the precedent established in the Bingham case, if any one of the specifications were attached to the resolution?

Mr. MORSE. I may say to my good friend from Arkansas that as a lawyer I learned long ago that one does not always find cases on all fours with a particular case in a particular category. If distinctions must be made between this case and the Bingham case, I shall make two distinctions. The first is that I think the Bingham case was considered by a committee which had been appointed to study lobbying activities in the Senate. It was after the committee reported the facts to the Senate that the Senate first considered the case.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. MORSE. Let me finish the distinction, and then I shall yield. The committee was conducting its investigation of lobbying when it ran across the Eyanson incident in relation to Senator Bingham, and the committee sent to the floor of the Senate its report of Bingham's conduct in connection with the lobbyist. I do not think one can read the report on the Eyanson case without coming to the conclusion that the Senate had before it a pretty thorough committee analysis of the conduct of Senator Bingham. On the basis of a committee report, there was debate in the Senate, and there resulted what the Senator from Arkansas referred to in his brilliant research on this subject, in his speech last Saturday on the Bingham case, namely, a motion of censure. I submit that the only difference between the instant McCarthy case and the Bingham case is the difference in time-tabling. In that case there was committee consideration in advance of the final debate in the Senate of the United States on the Eyanson conduct, but Bingham had this committee hearing.

Mr. FULBRIGHT. Does the Senator from Oregon think that the report of the committee headed by the Senator from Arizona is a nullity, and that we should wipe it off the record?

Mr. MORSE. No.

Mr. FULBRIGHT. Why is there not a committee report, and why does it not serve the same function as a committee report?

Mr. MORSE. That goes to the second point I wish to make. If what one is looking for is a uniform rule of the Senate for handling these cases without any differences, one will never find it in the law books or in the precedents of the United States Senate. There are many exceptions in the law, and there are also many exceptions in the precedents of the United States Senate in respect to a common problem which may be involved in the cases or precedents.

On this particular point I respectfully say—and I shall dwell on the subject further in a speech I shall make later—that the Bingham case is somewhat singular with respect to what the Senate has done in other cases. I do not for the moment seek to shuffle out of consideration the Hennings report. In my judgment, it is a vitally important report, but it is a report which will be considered, and the evidence taken by the committee will be considered by any select committee under some of the very counts which the Senator from Arkansas has set forth in his specifications.

The Senator from New York [Mr. IVES] and the Senator from Washington [Mr. JACKSON] have proposed amendments to the motion of the majority leader that make sense. I think they close the door to any criticism that the Senate went forward to a vote on a motion or resolution of censure before the fullest possible opportunity to all concerned had been given to make the record on that motion.

If the motion of the Senator from California is agreed to, that record will be made before the Senate adjourns. I think that is the important thing. I would rather lean over backward to make certain that I had resolved all doubts in favor of procedural rights of a person accused than to feel that the Senate was subject to the slightest criticism because it closed the door of procedural right in any way to anyone.

When I make my speech later I shall stress the importance of the Hennings report, because I think that is the report to which the Senate should have given formal consideration a long, long time ago. But better late than never.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the distinguished senior Senator from Georgia.

Mr. GEORGE. Mr. President, I rise only because the Bingham case has been referred to in debate, and I believe there are but two present Members of the Senate who were Members at that time. One cannot take a case out of its context, and out of the proper setting of surrounding events and circumstances. In 1929 and 1930 the Finance Committee had under consideration the Smoot-Hawley tariff bill. During the consideration of that bill many charges were made in the press, and perhaps on the floor of the Senate—certainly wherever Senators gathered—regarding open lobbying by persons interested in the tariff matter then before the Senate. That was a tense condition. It inspired or led to the creation of a special subcommittee of the Judiciary Committee, as I recall—I am speaking only from memory, because I have not reviewed the facts—to investigate lobbying, and, in particular, to make inquiry into lobbying, because of the constantly repeated declarations and assertions that lobbying was occurring openly in the recep-

tion room, just outside this Chamber, and, in fact, all about the Capitol.

While that subcommittee, of which the then Senator from Arkansas, Mr. Caraway, was chairman, was discharging its duties, the Eyanson incident arose. It was discovered, one morning, that the then Senator from Connecticut, Mr. Bingham, had employed and placed upon his staff and upon the payroll of the Senate a representative of the manufacturing association of his State, and that that representative had sat in the executive sessions of the majority side of the committee. At that time the Finance Committee held hearings in the morning and until late in the afternoon; and usually the minority and the majority sides went into executive session—not an executive session of the entire membership of the committee, but only of the respective sides. Senator Simmons, of North Carolina, a distinguished Senator, was the ranking member, as I recall, on the Democratic side; but also on that side were other distinguished members on the committee, notably Senator Jones, of New Mexico, and Senator Pat Harrison, of Mississippi, among others. There were also very able Senators on the Republican side, including Senator Smoot, of Utah, an experienced legislator, the chairman of the full committee; Senator Couzens, of Michigan, who had come into the Senate perhaps on the very same day when I first took the oath in the Senate—back in 1922; David Reed, of Pennsylvania; and other very experienced and able Senators.

It was discovered, as I have said, that Senator Bingham had employed that representative of a manufacturers' association—in his own State, I believe—and had used him in connection with his committee work, and that he had actually participated to the extent of being present and hearing all the arguments, pro and con, before the full committee or the subcommittees which were daily hearing one particular schedule after another, in connection with that Tariff Act, and also had participated in the executive sessions of the majority side.

When that fact was discovered, Senator Smoot, the chairman of the committee, drew the matter to the attention of the full committee or at least to the attention of representatives of both the minority and the majority sides. Of course it was at once said that the matter should be promptly investigated, and it was also said that the representative of the manufacturers' association who had been placed on the payroll by Senator Bingham should be removed from the payroll. Under those conditions, and in a very tense atmosphere—which had been tense for many weeks, certainly, and perhaps for months—the subcommittee of which Senator Caraway of Arkansas was chairman went into the facts of the case.

There was no denial of the actual facts of the case. Senator Bingham of Connecticut himself did not attempt to conceal the actual facts. He felt—and I believe his feeling was sincere—that he needed the assistance of someone who knew more about tariff matters than he did, and who knew more than he did about the problems of industry. He said that to the committee; and it is my recollection that he also said it, in effect, on the floor of the Senate.

At any rate, I know it was on that basis that I made, to the Senate, a brief statement in which I undertook to point out that the quality of every public act by every public servant, including every Member of the Senate possessed either a politically good effect or a politically bad effect; and that the quality of that act itself justified, in my judgment, and in our judgment, some action by the Senate.

When the special committee of the Judiciary Committee, to which I have referred, made its report to this body—whether it was a final report or a partial report, I do not recall, although I do not believe it was a final report; however, that is merely a matter of recollection—Senator Norris of Nebraska, then the distinguished senior Senator from that State, and a Senator who had served in this body for a very long time, immediately filed a censure resolution. Of course, he had conferred with other Members of the Senate before filing it. He had had more than one conference with the members on the minority side of the Finance Committee. He insisted upon his resolution. The report was in; it was a part of the Senate's records. And Senator Bingham was present. There was no concealment of the facts; there was no denial of the facts upon which the censure resolution was based.

Under those circumstances the Senate proceeded to consider the resolution. At the time I said I felt that however mistaken Senator Bingham was—and I thought he was most regrettably so—yet he did not feel that he had committed any moral wrong. On the contrary, he felt he had a right to the best information he could obtain. I still feel that he was mistaken. But I took the position then which I think distinguished between personal immorality and political immorality.

Mr. President, I know, and I am happy to make the statement, that I have detailed as faithfully as I can what actually happened in the Bingham case. Always thereafter, and down to this good day, I have been on terms of personal friendship with the then Senator from Connecticut, Mr. Bingham; but I did not hesitate to vote to censure him, because I thought he had failed entirely to appreciate properly or conceive the difference between personal immorality and gross political and public immorality, which was involved in the conduct to which I have referred.

I feel that I should make this statement, Mr. President, because I was here and lived through that experience in the Senate. It was not a pleasant duty, but one which the Senate did not hesitate to discharge when all the facts were before it.

That leads me to make this further statement, Mr. President: When the distinguished Senator from Arkansas [Mr. FULBRIGHT] presented certain specifications to this body I had the impression that the report in that case had actually been filed and had become a part of the Senate records.

On inquiry since of the only other present Member of the Senate who was sitting in this body at that time, the distinguished senior Senator from Arizona [Mr. HAYDEN], I find that the report was not actually filed, and did not actually become a part of the records of this Senate.

So, when I look at the various specifications I am obliged to concede—although I would like to have done with this matter, so far as I am concerned, at once—that an issue of fact is raised by every specification which has come to my attention, and, of course, it would be unthinkable that the Senate of the United States should proceed without resolving the facts by some appropriate committee representing the Senate itself, in connection with the resolution of censure.

That, Mr. President, is the statement which I desired to make.

Of course, there is no doubt that when the Senate sits to punish for a contempt committed in its immediate presence or committed out of its presence, or to punish misconduct, either personal or political, or political or public immorality, by way of a censure resolution, the Senate sits in the capacity of a judicial tribunal. There can be no doubt of it. All the power we have comes from the Constitution itself, and if we cut loose from that power, we have no power except the inherent power of every voluntary organization, so to speak, to preserve some sort of order in its own proceedings. So there is no doubt that the proceedings here partake of the nature of a judicial inquiry, leading to a judicial decision.

I have always said—in that respect I agree with the distinguished junior Senator from Oregon [Mr. MORSE] in his magnificent declaration the other night—that according to the American concept of American jurisprudence, the chief function of every judicial tribunal is to preserve the rights of the 1 man as against 90 and 9.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. KNOWLAND. Mr. President, I ask—and this will not foreclose any discussion—that the yeas and nays be ordered on my motion, as modified.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield to the Senator from Montana.

Mr. MANSFIELD. I should like to ask the distinguished majority leader one question, because I am a little insecure in my own mind. Under the proposal offered by the majority leader, just how far would the authority of this particular committee extend? Would it be confined to a motion to censure or not to censure, or would it go beyond that?

Mr. KNOWLAND. It seems to me that the problems before us—and the matters proposed to be referred to the select committee are the Flanders' motion to censure, and such amendments thereto and substitutes therefor as have been offered by various Senators. So I assume that it is the motion of censure and such allegations or specifications as have been presented by various Senators.

Mr. MANSFIELD. I thank the majority leader. The situation was not clear in my mind; that is why I asked the question.

Mr. THYE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from Minnesota.

Mr. THYE. Mr. President, I rise for the purpose of thanking the able and distinguished senior Senator from Georgia [Mr. GEORGE] for having given us the benefit of his many years of experience in the Senate, and drawing on his memory to give us the information relating to the Bingham case.

In that instance, the committee had studied the question before it, which was an actual resolution before the Senate.

The other evening the able and distinguished senior Senator from Oregon [Mr. CORDON] and the junior Senator from Oregon [Mr. MORSE] gave us the foundation of an approach to this question by pointing out to us the legal questions with which we were faced, and they did it so ably that there can be no question that we must proceed in an orderly and judicious manner to arrive at what are the questions which we are to consider when we make the final decision on the floor of the Senate, including the question whether we are to censure or not to censure a distinguished Member of this body. Therefore, Mr. President, I think now we are approaching the subject in the orderly and judicious manner in which this body must approach it, and that is to appoint a select committee which will have the responsibility of determining what will be the questions on which the Senate will make a decision when Senators cast their votes.

Therefore, Mr. President, I say that we are now arriving in an orderly manner at the method we must use in approaching this question and determining what to do with the resolution.

I wish again to thank the able and distinguished senior Senator from Georgia for giving us the benefit of his insight into what occurred during his many years of experience in the Senate.

Again I invite attention to the service which both the junior and senior Senators from Oregon rendered. The senior Senator from Oregon, in his able presentation on the first evening of the debate, laid the foundation for judicial thinking on this question.

Mr. KNOWLAND. Mr. President, I am prepared to yield the floor, unless some Senator has a question to ask.

Mr. McCLELLAN. Mr. President, as is well known to my colleagues, I have been absent from the Senate for several days. During the past 2 or 3 weeks I have not been able to keep fully advised of the proceedings here, and, therefore, I am not familiar with all that may have been said either pro or con with respect to the issue now before the Senate.

I was very eager to get behind me my own personal problems and return to the Senate before action was taken upon the pending motion.

In its original form, the resolution of censure states nothing specific. In a sense it charges an offense, without indicating when, where, or how the offense was committed. I use the word "offense" advisedly, because it is in the nature of an offense against the Senate to be guilty of conduct which is unbecoming to a Senator, or conduct which is contrary to senatorial traditions.

I was concerned about the resolution in that form, because I do believe that when one is asked to answer to a charge, that charge should be sufficiently identified by specifications to inform the accused, so that he may have an opportunity to defend himself against the charge, particularly with reference to the time and place of the alleged act or conduct which constitutes the offense and the grounds that warrant or justify the censure, as in this instance.

Therefore, it was my first thought that before I could support the resolution there would have to be specific acts charged by way of an amendment to the resolution, and that those acts would have to present on their face some merit to justify my voting to censure a Member of the Senate.

This is one instance in which I would certainly resolve every reasonable doubt in favor of my colleague. I shall do that whenever we come to a final vote. In other words, Mr. President, this is one instance, if the Golden Rule has any application at all in my life, it will be applied here, because I do not want to do unto one of my colleagues what I would not want him to do unto me under the same circumstances.

For that reason, Mr. President, I shall support the pending motion with the amendment. I shall do so because I believe every Member of the Senate who is accused of having conducted himself in a manner unbecoming a Senator, or contrary to the traditions of the Senate, is entitled to be heard. I believe he is entitled to have the charges presented and to have an opportunity to appear either before the Senate, sitting as a Committee of the Whole, or before a select committee of the Senate to answer those charges. For that reason I shall support the amendment.

I could not bring myself readily to condemn someone who had not been given such an opportunity.

Surely I may have knowledge of my own which would possibly warrant my coming to some definite conclusions with respect to the specifications which are now before us, and possibly with respect to others also. However, even if I have that personal knowledge, possibly my colleagues do not have it. They are entitled to have it after it has been presented in some form of testimony. The same is true with respect to some of my colleagues. They may have facts in their knowledge that I do not have. They may have facts that may tend to substantiate the specifications and charges. They may have facts or information which might tend to mitigate or refute some of the charges.

Therefore I think it is only fair, if we are to preserve the traditional principles of Anglo-Saxon jurisprudence, that a Member of the Senate, having charges made against him, which if sustained by the Senate would place a stigma upon him, should be heard before the Senate takes such action. The amendment to the motion will afford that opportunity.

I am very much interested in the amendment because I do feel very strongly that the Senate should not adjourn without disposing of the issue, either by voting condemnation or censure on one of our colleagues, or by acquitting him of the charges.

I believe if there is any effort made to defer action by the Senate on the charges until the next session of Congress it will be interpreted possibly as an act of cowardice on the part of the Members of the Senate, and as our being unwilling to face the issue, and as our being unwilling to be recorded on the issue.

Therefore, Mr. President, I earnestly hope that the amendment will be adopted and that the matter will be referred to a select committee, which, as the amendment provides, will act expeditiously, giving an opportunity to the junior Senator from Wisconsin to appear before it to face the charges and to offer, if any he can, reasonable testimony to either refute the charges, or to minimize them, or to mitigate the circumstances under which any alleged act may have been committed.

I see no reason why that cannot be done within a few days, certainly within a reasonable time. I have confidence in the committee that may be appointed for that purpose. I am sure the committee will wish to act expeditiously, bearing in mind that the Senate will not adjourn until the committee has reported, and that after the committee makes its report the Senate will act on that report, either by sustaining the recommendation of the committee, whatever it may be, or by rejecting it. There should be final action and a complete disposition of the subject before the Senate adjourns.

Mr. FULBRIGHT. Mr. President, will my colleague yield on the last point he mentioned?

Mr. McCLELLAN. I am very glad to yield to my colleague.

Mr. FULBRIGHT. The point the Senator has mentioned last is a very important one, and it gives me some concern. Does the Senator have any assurance that we will have an opportunity to vote on the findings of the select committee? Is there anything in the resolution which assures the Senate that it will be given an opportunity to pass upon those findings?

Mr. McCLELLAN. The resolution provides that the committee shall act and make report to the Senate prior to the adjournment sine die of the second session of the 83d Congress. I know of no way in which we can assure a vote in the Senate if the Senate refutes that provision later and votes to adjourn without taking such action. Of course the Senate can do it. However, the same Senate that could do that could also vote to table the pending matter.

Therefore, Mr. President, I have confidence, if the committee is appointed, that the committee will function by accepting its responsibility, and that it will act promptly, and that it will expedite its work and report its findings to the Senate.

I do not believe that we are all cowards. I believe that after the matter has taken a proper course through a proper process, in accordance with American standards of justice, we will have the courage and manhood and patriotism to stand on the floor of the Senate and vote "yea" or "nay" on the charges made against our colleague.

I shall assume that responsibility. All I am asking is that the accused be given an opportunity to go before a forum of the Senate to present his case.

Mr. THYE. Mr. President, will the Senator yield?

Mr. McCLELLAN. Upon that course of action being taken I will be in a position, when the committee reports to the Senate, to vote on the charges and specifications now filed as amendments to the original Flanders resolution, or on any others on which the committee may report.

I now yield to the Senator from Minnesota.

Mr. THYE. Mr. President, the Senator from Arkansas has made the point well. I believe all Members of the Senate can face up to the issue and that we will vote either "yea" or "nay" on the question. I, for one, want it brought back to the Senate floor just as speedily as possible. We must act on it before we adjourn sine die. I shall be prepared to vote either "yea" or "nay" on the question as the committee lays the facts before us as to what the Senate then has to consider as an official charge that may be presented against one of our Members.

Mr. McCLELLAN. In conclusion, Mr. President, I do not want it ever to be said of me with any justification that I am a coward and afraid to face an issue that involves a basic principle. Neither do I want it ever said of me that I am unfair to the accused. I believe in our traditional system. I believe in the presumption of innocence until one is proven guilty. I believe the accused, whoever he may be, whether a United States Senator or a professional bum, has a right to be heard. I insist upon that, Mr. President, and I shall vote accordingly. I shall accept my responsibility and I shall vote my convictions with respect to the charges.

Mr. MONRONEY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. McCLELLAN. I yield.

Mr. MONRONEY. I apreciate very much the thoughtful, fair, and concise statement of the distinguished former chairman of the Committee on Government Operations. I have made preliminary inquiries of parliamentary experts, and I have been informed that it is impossible by resolution to compel a committee to report to the Senate on a day certain. But if I understand the view of the distinguished senior Senator from Arkansas [Mr. McCLELLAN] on the resolution now pending, in a way it expresses the sense and the pledge of the Senate that it will not adjourn sine die until a report is forthcoming from the select committee.

Mr. McCLELLAN. It is my view that this committee should be given a reasonable time and opportunity to function, and I believe it will do that without any coercion on the part of this body. I cannot conceive that this committee would fail in its duty, but if it should, bear in mind that the Senate still has jurisdiction and can discharge the committee at any time. I am certain that will never become necessary. I do not believe there is a Senator among us who is not willing to have this come to a final test. I hope I am correct about that. At any rate, it is my belief, with all the emphasis, all the power, and all the influence I may have as a United States Senator, that it should come to a conclusion before the Senate adjourns sine die.

Mr. MONRONEY. I appreciate that statement very much.

May I ask this one further question regarding a technicality, because I do know the distinguished senior Senator from Arkansas has had far more experience in committee procedure than has the junior Senator from Oklahoma.

Mr. McCLELLAN. I would not say that, but I will say to the junior Senator from Oklahoma that I have lived very close to this whole problem for quite a long time.

Mr. MONRONEY. The Senator has come through it with the plaudits of the Nation, and we have all been grateful for his service.

In view of the Senate's meeting this issue before adjournment sine die, if this resolution, as amended, should be adopted, and assuming the committee could not present a unanimous decision, is it the Senator's idea that the Senate then would have before it the majority and minority views, if they were unable to agree? I am speaking of the numbers on the committee rather than of party membership, because I agree that party decisions should have no place in matters of this kind. It would be despicable to think of party entering into a decision of this kind. I know it would not enter into the decision of the senior Senator from Arkansas.

Mr. McCLELLAN. Require a report of the committee, or discharge it. If the committee cannot agree and will not file a report, it can be discharged. Certainly in the meantime the committee will have afforded an opportunity to the junior Senator from Wisconsin to appear before it and answer these charges. He will have had that opportunity. Then if the committee fails for any reason to file a report, the committee can be discharged, and the Senate will have the record of the proceedings for its guidance, irrespective of whether they submit a recommendation.

Mr. MONRONEY. Does the Senator agree, then, that if the committee could not reach a unanimous decision and a division should occur among the members of the committee, the Senate would have the opportunity to consider both the majority report and any report or views filed by a number smaller than a majority?

Mr. McCLELLAN. I am confident that is true. We have that situation with respect to legislation all the time. We have a majority report and sometimes a minority report. Where the majority report prevails in the bill as reported out, there is also the opportunity for the minority to offer amendments to conform with its recommendations.

Whatever is reported out by this committee, certainly there will be opportunity afforded on the floor to offer amendments or to offer substitute charges.

The basic thing I would fight for, for myself and for any other Member of this body, is to give the accused the opportunity to present his case before he is condemned. I think that is fundamental to every liberty that we cherish. I shall never knowingly deny that to anyone charged with an offense.

Mr. FULBRIGHT. Mr. President, will the Senator yield for one more question?

Mr. McCLELLAN. I am glad to yield.

Mr. FULBRIGHT. Mr. President, the Senator said there were two alternatives—one to go to committee, and the other to hear the defense on the floor.

Having seen two different records with regard to the first specification suggested by me, I understand that the Senator from Wisconsin [Mr. McCARTHY] would not deny the factual statement, but he would deny only the conclusion. I wonder why the Senator does not think there is ample opportunity for the junior Senator from Wisconsin to defend himself here and now. We are in session. The junior Senator from Wisconsin has a perfect right to take the floor and to deny before the Senate the allegations made.

I remind the Senator from Arkansas that the junior Senator from Wisconsin is rather difficult before committees, with points of order and things of that nature. The Senator from Arkansas knows that as well as I. I also participated in a committee some years ago before which the junior Senator from Wisconsin appeared.

I think this is the proper forum. Here we can see that a fair hearing is had and that he is given an opportunity to deny the charges. If he does not deny the charges, then certainly I see no reason for this matter to go to a committee.

Mr. McCLELLAN. I suggest to my distinguished colleague that the mere denial by the accused raises an issue and a controversial allegation, but the accused may have some proof that he wishes to offer to substantiate or corroborate his position of denial.

If the Senator wishes to resolve the Senate into a Committee of the Whole, that is one course and one way, but I think the better procedure is to have a committee serve and hold any hearings that may be deemed necessary. After it has concluded its hearings, it may then make its recommendations to this body.

Mr. HUMPHREY. Mr. President, I thank the Senator for his very fine and objective discussion of the motion before us.

Does the Senator from Arkansas interpret the motion, as modified, of the Senator from California, the majority leader, as not only requiring the committee to make a report prior to the adjournment of the Senate, but also that

the Senate itself, following the submission of the report, shall act upon the report of the committee?

Mr. McCLELLAN. I do not think the resolution or the amendment could possibly go that far. I interpret the intent of the Senate, if it adopts the motion, as modified to be to dispose of the matter before the end of this session. I do not know of any way in which the Senate could be bound to do that. It may be of that opinion today, but tomorrow it might change its mind and adjourn anyway. I do not know how that situation could be controlled, because a motion to adjourn is always in order and takes precedence over anything else.

I think this is as far as it is possible to go to bind the Senate to take final action on and to dispose of the matter before the session ends. That is my objective. I am saying this in as emphatic language as I know how to express it. I would be most reluctant to support an amendment if I did not feel that final disposition of the matter could be had before adjournment.

Mr. HUMPHREY. Would the Senator permit me, in his time, to interrogate the majority leader in reference to that point, since the majority leader is the promulgator of the motion? If the majority leader will be kind enough to give me his attention, I shall ask the Senator from Arkansas if he will yield to me for that purpose.

Mr. McCLELLAN. I am glad to yield.

The PRESIDING OFFICER. Will the Senator from Minnesota state his unanimous-consent request?

Mr. HUMPHREY. I ask unanimous consent that the Senator from Arkansas may yield to me, without losing his right to the floor, so that I may interrogate the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. I wish to ask the majority leader whether or not, in the offering of the motion as modified, as it has now been discussed and interpreted, it is within his contemplation that the Senate, as a body, shall act upon the resolution following the report of the committee, or whether he contemplates only a report to be made by the committee which is proposed to be established under his motion.

Mr. KNOWLAND. I answer the distinguished Senator from Minnesota by saying that with the language contained in my original motion, together with the 2 modifications which I have accepted, one by the Senator from New York [Mr. IVES], and the other by the Senator from Washington [Mr. JACKSON,] I think the intent is quite clear that the committee shall expeditiously proceed, after its selection, which I hope will be done forthwith, or within a reasonable period of time, to take evidence, hold hearings, and make a report to the Senate prior to the adjournment of the Senate sine die.

I can conceive that if the matter is disposed of in that manner today, we shall be able to return to action on the foreign-aid bill, the farm bill, the supplemental appropriation bill, and other bills, and that action might be completed on those legislative acts in which House concurrence is necessary, either by adoption or passage of the same bills, or by the adoption of conference committee reports.

A point might then be reached where the House would be ready to adjourn, since the present matter is one which pertains to the Senate alone, and in which the concurrence of the House is not necessary. The Senate then, in its judgment, might determine to remain in session for 3 or 4 extra days, or perhaps a week. That would be within the control of the Senate, because, after all, as the Senator knows, adjournment cannot be without a majority of the Members of the Senate agreeing to adjournment.

So I anticipate that not only would the matter be reported to the Senate, but that the Senate would have an opportunity to vote on the report. The Senate itself, of course, would still have the power to make a final decision. I do not know how that power could properly be taken from the Senate. The Senate might wish to debate the question. It might determine that it desired to vote on the question one way or the other and terminate the case. But, at least, that would be within the control of the Senate itself.

Mr. HUMPHREY. As I understand, the majority leader had in mind, when he presented the motion, that there would be an ad hoc committee appointed for the express purpose as outlined in both the motion and the Flanders resolution; that the committee would report to the Senate; and that the Senate then would act upon the report of the committee.

Mr. KNOWLAND. The Senator is correct. Of course, he understands that I do not know what the committee may report. I do not know what facts they may find—whether they may find that any action is justified; that the junior Senator from Wisconsin should be censured or condemned; that he should be cleared; or whatever else it might desire to report.

The committee would report to the Senate, and the Senate would have an opportunity to act. The case then would be in control of the Senate itself. The Senate would determine how much longer it would remain in session and would debate, discuss, or amplify the report, whatever it might be.

As the distinguished Senator from Arkansas has quite correctly pointed out, should the committee either not report or not be prepared to report, the case still would be within the control of the Senate, and a motion to discharge the committee would be in order. Again, it would be for the Senate to determine whether the committee should be discharged. So it seems to me the situation is within the hands of the Senate, regardless of what action is taken.

Mr. HUMPHREY. I wish to make my position clear. I was not prejudging what the committee might do. I have my views. If the committee were created, it might return a clean bill; it might return a resolution of censure; it might adopt any of several alternatives. But at all times the Senate, even as of this hour, could adjourn, despite the wishes of the majority leader.

Mr. KNOWLAND. That is correct. A concurrent resolution to adjourn sine die is lying at the desk. Technically, the Senate tonight could agree to the resolution to adjourn, and thus leave several appropriation bills, the farm bill, the foreign-aid bill, and other bills, with no action having been taken on them. I do not believe the Senate will do that; but technically it is within the power of the Senate to do so.

Mr. HUMPHREY. I am very grateful to the Senator from California.

Mr. McCLELLAN. I yield the floor.

Mr. HOLLAND. Mr. President, I am in complete accord with the position taken on the procedural side of this question, first, by the distinguished senior Senator from Oregon [Mr. CORDON], later by his distinguished colleague, the junior Senator from Oregon [Mr. MORSE], followed by the able support of the distinguished junior Senator from Texas [Mr. DANIEL], and this afternoon again clearly restated by the distinguished senior Senator from Georgia [Mr. GEORGE].

I think the positions which they have taken chart a safe and sound course to be followed in the determination of this question, and that such a course is far different from the one which the Senate was invited to take under the wide-open resolution—I believe it was the third resolution of the kind—filed by my distinguished friend—and he is, indeed, my friend—the junior Senator from Vermont [Mr. FLANDERS].

The senior Senator from Georgia stated with remarkable and meticulous accuracy the facts concerning the Bingham case, which, as he correctly stated, and has been stated by other Senators in the debate, charts a very clear course to be followed in the pending case.

However, I think there are two quotations from the CONGRESSIONAL RECORD relating to that case which will afford even clearer evidence as to the course which was followed so thoroughly by the Senate in the Bingham case, a course which was so clearly free from any prejudice or looseness as to commend itself to the Senate, and to all Senators, during all time, as a proper course to be followed. I read into the RECORD, therefore, the resolution in its final form, in which it was passed by the Senate. I think Senators, merely from hearing it read, will realize how carefully drawn and how specific was the resolution, and how completely fair it was to the Senator whose reputation was at stake in that proceeding, and whose acts were being passed upon at that time.

I shall read the resolution:

Resolved, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official rolls of the Senate and his use by Senator Bingham at the time and in the manner set forth in the report of the subcommittee of the Committee on the Judiciary (Rept. No. 43, 71st Cong., 1st sess.), while not the result of corrupt motives on the part of the Senator from Connecticut, is contrary to good morals and senatorial ethics, and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned.

Mr. President, no resolution could have been more carefully worded so as to pre-

serve and include every specific allegation concerning the facts involved in that case.

Mr. President, the distinguished Senator from Georgia [Mr. GEORGE] said very properly and accurately it was his recollection that the Senator from Connecticut, Mr. Bingham, had been heard in the subcommittee of the Judiciary Committee and had been heard upon the floor of the Senate. In order that the RECORD at this time may clearly show that fact, I read from the comments of the first speaker in the debate, who was Mr. Bingham, the Senator from Connecticut, and I read his words in order to show clearly that he had already been heard in the subcommittee and that he had already been heard upon the floor of the Senate itself before the resolution came on to be debated.

I read from Senator Bingham's statement. He was the first speaker, is speaking in the debate upon the Bingham resolution:

> The resolution asks for the condemnation of my having placed Mr. Eyanson, secretary to the president of the Connecticut Manufacturers' Association, on the Senate rolls on three grounds: First, that it is contrary to good morals; second, that it is contrary to senatorial ethics; and, third, that it tends to damage the honor and reputation of the Senate.
>
> In view of the fact, Mr. President, that I have previously explained at some length the whole transaction, both on the floor of the Senate and before the special committee charged with investigating lobbyists, I shall not go into the matter in detail at this time.
>
> On the other hand, I do desire to be heard briefly in regard to the three charges which have been brought against me.

It could not have been made more clear that the Senator from Connecticut had been heard both in the subcommittee and in full debate upon the Senate floor before that time, and that he was heard as the first speaker in this debate.

I do not read the rest of his statement, but in the remainder of that statement Senator Bingham takes up the three charges, one by one, and gives his answer as to the implication of those charges, each of which he admitted insofar as the act committed was concerned, but all of which he contended did not bring about the results charged by the resolution.

Mr. President, I have one more observation and I shall conclude. I shall certainly support this resolution, because it points the way to and requires a proper procedural handling of this serious matter. I take that position in the hope that it will lead to speedy hearings.

But may I express the hope that such a procedure will not lead to hearings which will not go thoroughly into each of the subjects suggested by the amendments of the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oregon [Mr. MORSE], and the long list of additional specifications mentioned by the Senator from Vermont [Mr. FLANDERS].

I do not think the Senate desires such haste as would preclude a thorough investigation and a full report.

As the Senator from Florida understands this resolution, it will require able Members of the Senate, an equal number from each side, to proceed promptly, but in such a way as to bring out the facts, to a hearing upon the various specifications which are being suggested to be added to the resolution of the Senator from Vermont.

Mr. President, the Senator from Florida speaks only for himself. He does not believe that such a hearing, accompanied by proper safeguards and surrounded by the atmosphere of deliberation which such a matter should have about it can be concluded within a few days. The Senator from Florida wants to make it abundantly clear that as he understands this resolution the report may not be submitted for several weeks—perhaps 2 or 3 months.

The Senator from Florida feels that the terms of the resolution would be completely observed if the Senate were required to come back here in November or December to conclude this case.

I close upon this thought: I think it is the duty and obligation of the Senate to dispose of this case even if such action requires us to come back here after the recess of the present session, which of course would then end without a sine die adjournment, but only with a recess.

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I am glad to yield.

Mr. THYE. I recognize in the distinguished Senator from Florida an able judicial mind.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. THYE. I have always admired the Senator's ability to analyze a question.

The Senator says this procedure may require even several months, and that the Senate might possibly recess to come back some time later in the fall to give consideration to the proposed committee's recommendation. That brings a fear to my mind. The Senator from Florida has an excellent judicial mind, a well qualified and trained judicial mind. If the Senator were a member of such a committee and if he felt he could not possibly render a decision in less than several weeks of intensive study and hearings, I can very easily see that we shall not be able to adjourn this Congress, but that the best we can hope for will be a recess within the next 10 days or 2 weeks to a time, indefinite or uncertain, in the fall.

That poses another problem with which the Senate is faced, because such a procedure would mean that the Senate would have to examine the work of the committee; but, above all, if we deferred this matter to some indefinite time, we could be subjected to a great deal of criticism, possible newspaper editorials stating that the Senate was afraid to face the issue, and therefore had recessed; and it would be stated that it is hard to say when the Senate will return and pick up the question.

Mr. HOLLAND. Mr. President, I appreciate the comments of the distinguished Senator.

Mr. THYE. These are factors which we must recognize.

Mr. HOLLAND. All I can say is that the Senator from Florida values the doing of justice in this matter sufficiently to be perfectly willing to stand up on this floor and say that is his judgment. The Senator from Florida will not be a member of this committee, because in the very nature of things, this committee will consist of senior Members from both sides of the aisle.

But in the nature of these charges, numerous as they are and covering as much time as they do, this case cannot be handled deliberately within a few days. If when the Senate votes, it thinks this case will be back in our laps in 5 or 6 days, I think the Senate is not doing justice to the gravity of this case or the size of it.

So far as the Senator from Florida is concerned, he has already said he thinks it is his duty, the duty of the Senator from Minnesota, and the duty of every other Senator so to handle this case as to clear it out of the way, dispose of it one way or another, with the present membership of the Senate.

I call attention to the fact that already we are imposing upon Members of the Senate—many of whom are younger in time of service here, the handling of matters which happened before they came here. A moment ago I checked the record, and found that 18 of the present Members of the Senate have come here since the date of the making of the so-called Hayden report, which has been referred to. I found that about half the membership of the Senate came here since the act mentioned in the first amendment suggested by the distinguished Senator from Arkansas [Mr. FULBRIGHT] transpired.

I know this is not a simple case. It covers 6 or 7 years of time, and apparently covers 6 amendments offered by the Senator from Arkansas and 7 offered by the Senator from Oregon, although I think there is some overlapping. It also involves a list which I understand from the Senator from Vermont comprises 33 different items which he has to suggest to Members of the Senate. I am sure that his candor will be such that he will present that list to the able Members of the Senate who will be called upon to handle the duties of this committee, which is not a desirable service but is a necessary service, and should be rendered. It should be rendered by the Senate during this Congress, even if we have to come back here, as I believe we shall have to come back here, much later in the fall.

I have called attention very frankly to what I think I see in this matter—not because it is designed by anyone, but because I cannot conceive that this matter could be handled with sufficient care and deliberation in the few days which all of us hope remain before we shall be allowed to return home.

I think that means a recess, and certainly it means that if we live up to the spirit of the resolution—as I feel we should—there will not be an early adjournment sine die, but there will be a recess to a fixed date this fall, when we can return and deal adequately with this matter.

Mr. JACKSON. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I gladly yield to the Senator from Washington.

Mr. JACKSON. Would it be fair to say that to the extent that it is necessary in order to obtain a thorough judicial determination of this matter, a fixed date should not be set for the taking of action by the committee?

Mr. HOLLAND. That is exactly what I think, and I am glad to see that my friend, the Senator from Washington, is thinking along the same line.

I believe it would be both unfair, unwise, and unjust to the Senate and its reputation and unjust to the Member of the Senate who is most concerned with this matter—the Senator who is charged with misconduct—for the Senate to attempt to set a fixed early date for the committee to report, in view of the knowledge which all of us have of the tremendous size and scope of the investigation which will be delegated to the members of the committee, if the resolution, as modified, is agreed to.

Mr. JACKSON. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. JACKSON. On the other hand, if there should be any sort of dilatory tactics and unnecessary and improper delay, the Senate itself could act in such a situation, could it not?

Mr. HOLLAND. Yes, I am sure the terms of the recess resolution could so provide, so as to give the Senate the power to return and to deal with this matter.

Insofar as I am concerned, if the report has not been filed and acted upon by the time we are ready to go home on the first occasion, I shall not only hope, but I shall insist, that the provisions of the recess resolution call for such a procedure.

Mr. STENNIS. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. STENNIS. In regard to the time limit, does not the Senator from Florida think it will require at least 2 more weeks for the legislative calendar to be handled, during which time the select committee would have but little chance to go into the case assigned to it?

Mr. HOLLAND. Did the Senator from Mississippi use the words "little chance"?

Mr. STENNIS. I meant that it would have very little chance to go into the case.

Mr. HOLLAND. I thoroughly agree, because in the closing, hectic hours of each session, and particularly in what is now the second session of this Congress, every Senator has duties he must perform, duties which he owes to all the people of the Nation, and in many cases, particularly to the people of his own State; and those duties have to be performed then, or not at all.

Mr. STENNIS. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. STENNIS. I am trying to emphasize the point the Senator from Florida is making, namely, that if we adopt the resolution, we have to face the fact that it will take considerable time—at least some weeks—after the legislative business is more or less completed, before the committee can possibly go adequately into a resolution so broad, high, and long as the Flanders resolution, which relates to the entire conduct of the junior Senator from Wisconsin.

Mr. HOLLAND. I think the Senator from Mississippi has stated the matter exactly, correctly, and much better than I have stated it.

Mr. STENNIS. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I wish to discuss briefly one more point. I have heard the Senator from New York and other Members in the course of the debate say that the Senate does not have the courage, or that it is being charged that the Senate does not have the courage, to face this matter and go through with it. I do not believe that any Member of this body is properly subject to such a charge. I have read those charges in the editorial columns of certain of the liberal newspapers, and I have received from certain of the members of the liberal organizations, letters transmitting those charges. I think they are little better than reflections upon those who make the charges.

Anyone who has the fortitude to run for membership in the Senate of the United States and to go through the gruelling battle that is required in any State in connection with a senatorial campaign can hardly be a timid person; and anyone who has done that again and again and again, hardly can be a fearful person who is afraid to face issues.

Furthermore, anyone who has served as governor of his State—and about 30 of the Members of the Senate have served in that capacity—has had to face many disagreeable issues and situations. I think there is no more disagreeable situation which could possibly face a governor than the task of signing a death warrant. Yet that duty has faced many of us time and time again; and after going carefully into the matter and after carefully checking all the facts, including a careful reading of the transcript of the testimony, many of us have reached the decision that we should sign a death warrant, thus depriving a human being of his life. Certainly no duty more disagreeable than that can face a person who serves in public office.

Furthermore, many of the Members of this body have faced other duties of the most arduous, exacting, and dangerous nature. I refer to service in the Armed Forces of our country, in time of war—service on the battlefield, combat service. Many of our Members have engaged in combat with the enemy. Some of our Members have engaged in active combat on the land; some of our Members have engaged in combat at sea, and in that connection I think now of the experience of my valorous and distinguished young friend, the junior Senator from Louisiana [Mr. LONG]. Others of our Members have had combat service in the air. I think that half a dozen of the Members of this body bear on their bodies honorable wounds received in the military service of their country. I think particularly of my distinguished friend, the junior Senator from Michigan.

In view of that situation, Mr. President, it rather makes me sick to hear such careless charges of a lack of willingness to come to grips with a relatively small matter of this kind. What does it amount to, insofar as the possible hurtful effect to any particular Senator is concerned? I think it would be well for me to state for the RECORD what I have ascertained in that connection, Mr. President. This morning I had my files carefully checked, and then I rechecked them myself. I find that I have received from all the people of my State, either by telegraph or by letter, the sum total of 98 communications, exactly evenly divided, 49 to 49, upon this question; and many of those communications disclose a very great ignorance of the nature of the question with which we are dealing.

I recall that when I was a member of the Florida State Legislature I received in 1 hour 285 telegrams, all on one side of an issue, and most of them making the most terrible threats of political obliteration. That was in connection with a question then pending in the Florida Legislature.

Mr. President, this matter is one on which I think the great body of the people throughout the Nation realize that the Senate is willing to assume any responsibility which properly pertains to it, and I think the people of the country know that we in the Senate feel that this is a responsibility which pertains to the Senate. So far as I am concerned, I do not believe there is one Member of the Senate who even thinks of this matter in such a way as that indicated by some of the speeches which have been made upon this floor or as indicated by some of the very loose editorials and expressions which I have heard from radio and other speakers in the course of the development of this matter.

Mr. President, the Senate should face this matter, and should do so deliberately. A path is now being laid out, so as to enable the Senate to face it deliberately and properly; and I am sure the Senate will do so.

Mr. President, certainly I shall support the motion, as modified; and I believe it will enable us for the time being to dispose of this matter—to channel it in the proper direction, and then to proceed with the concluding business of this second regular session of a very important Congress.

Mr. ERVIN. Mr. President, will the Senator yield to me for a question?

Mr. HOLLAND. I am glad to yield to my distinguished friend, the Senator from North Carolina.

Mr. ERVIN. I ask the Senator from Florida if the procedure outlined in the motion, as modified, does not fullfil the due-process-of-law clause, or the law of the land, as Daniel Webster defined it in the celebrated Dartmouth College case, as being a law which proceeds upon inquiry and renders judgment only after a hearing?

Mr. HOLLAND. I will say to my distinguished friend, formerly a justice in the supreme court of one of our greatest States, North Carolina, that, of course, he has correctly stated a fundamental principle of our law, as stated in the Dartmouth College case, and in many cases since that time. I thank the distinguished Senator.

Mr. LEHMAN. Mr. President, I have listened with great interest and admiration to the remarks of the distinguished senior Senator from Georgia [Mr. GEORGE] and the junior Senator from Oregon [Mr. MORSE].

I think I am safe in saying that no one in the Senate is more jealous of the rights of the people to have fair hearings, to have a fair trial, to be permitted to answer charges that are made against them, than I am. I have fought for that, as have many of my colleagues in the Senate, for more years than I like to think of.

But it seems to me that in the debate which has taken place here during the past day or two, we have been confusing procedures with facts. In the charges which have been made in the specifications largely at the instance of the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] and by the junior Senator from Oregon [Mr. MORSE], certain matters of fact have been brought before the Senate. They are no longer matters of debate. They are no longer matters of doubt. They are established by the record itself.

There are countless numbers of charges which could be, and undoubtedly have been, from time to time, made against the junior Senator from Wisconsin. I think most of them are justified. I think most of them can be proven. But I shall not at this time make any attempt to cover the entire field of the charges that have been made, I think, as a matter of prima facie fact or evidence against the junior Senator from Wisconsin.

I shall address myself only to the specific charges or specifications which are contained in the two amendments which have now been presented by the junior Senator from Arkansas and the junior Senator from Oregon.

Mr. President, there is not the slightest question that the junior Senator from Wisconsin, while a member of the committee having jurisdiction over the affairs of the Lustron Co., a corporation financed by Government money, received $10,000 without rendering service of a comparable value.

That is a matter of record. He has explained it, and he has sought to justify it, but there is no question of doubt as to the accuracy of the charge. Now, the doubt will come in the evaluation on a moral plane that the Senate of the United States may wish to place on this and other charges.

Mr. President, there is not the slightest question and there is no denial, there cannot be any doubt and there cannot be any denial, that the junior Senator from Wisconsin in a speech on June 14, 1951, without proof or other justification, made an unwarranted attack upon Gen. George C. Marshall. The record is complete. It is carried in the CONGRESSIONAL RECORD which is before every Senator, containing every word of the speech that was made by the junior Senator from Wisconsin attacking one of the very great Americans, attacking him in a manner which was completely unfair, and which was totally inaccurate. That was malicious, and it demeaned the man who made the accusations and demeaned the entire Senate, which listened to the accusation.

Mr. President, there is no question, no doubt whatsoever, nor can there be any question or doubt whatsoever with regard to the fact as disclosed in the amendment proposed by the Senator from Arkansas [Mr. FULBRIGHT], that, without justification, the junior Senator from Wisconsin impugned the loyalty, the patriotism, and the character of Gen. Ralph Zwicker. That is a matter of record in the hearings, carried in the archives of the committee, and spread on the pages of every newspaper in this country. There is no denial, and there cannot be any denial. Here was a man of great character, a man who had served his country for a long number of years, accused and told in a executive hearing by a Member of the Senate, who had been appointed by the Senate to a high position, that he was unworthy of wearing the uniform of the United States.

Furthermore, Mr. President, there can be no question, and there is no question whatsoever, with regard to another specification set forth by the Senator from Arkansas [Mr. FULBRIGHT], in one of his amendments, to the effect that the junior Senator from Wisconsin openly, in a public manner before a nationwide television audience, invited and urged employees of the Government of the United States to violate the law and their oaths of office. Mr. President, that is a matter of record; it is not open to doubt. The fact has been established. It is there on the record, undisputed, undenied, and it cannot be disputed and it cannot be denied.

All we need to do is to look at the record and at the facts. Yes; if the Senate of the United States believes that the charges which I have enumerated, and others—and I shall enumerate 2 or 3 more, but there are a great many others—do not justify censure by the Senate, if it evaluates the abuses of authority, the abuses of the dignity of the Senate of the United States in such a low manner that they feel no censure is necessary, then, of course, that is within the right of the Senate. But there is no question of fact or of the record.

Do not let us confuse the situation by suggesting for a minute that there is any question concerning the facts or the record.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I should like to finish my remarks, and then I shall be very glad to yield to the Senator.

Mr. President, I refer now to the amendment proposed by the junior Senator from Oregon [Mr. MORSE] and to the resolution originally introduced by the junior Senator from Vermont [Mr. FLANDERS], wherein the Senator from Oregon sets forth in paragraph (b) that the junior Senator from Wisconsin "unfairly accused his fellow Senators GILLETTE, MONRONEY, HENDRICKSON, HAYDEN, and HENNINGS of improper conduct in carrying out their duties as Senators."

Is there any question about the fact? Are we to assume that these Senators are not to be treated with dignity and consideration? I do not want any Senator to tell me that he would seek to justify the position, which is now being taken by some of my colleagues, that there is a question of fact involved in that case.

Then I proceed to another specification in the amendment offered by the junior Senator from Oregon, for whom I have the greatest respect and consideration. In paragraph (d) the junior Senator from Oregon charges that the junior Senator from Wisconsin "received and made use of confidential information unlawfully obtained from a document in executive files upon which document the Federal Bureau of Investigation had placed its highest classification; and offered such information to a lawfully constituted Senate subcommittee in the form of a spurious document which he falsely asserted to the subcommittee to be 'a letter from the FBI.' "

Can there be any question of accuracy in that regard? Can there be any question about the facts covered by that specification or accusation? There cannot be, because it is a matter of public record, spread throughout the country on television and in the press and, what is even more important, on the records of the committee.

I come to another specification in the amendment offered by my highly respected friend, the junior Senator from Oregon. In paragraph (f) he charges that the junior Senator from Wisconsin "attempted to invade the constitutional power of the President of the United States to conduct the foreign relations of the United States by carrying on negotiations with certain Greek shipowners in respect to foreign trade policies, even though the executive branch of our Government had a few weeks previously entered into an understanding with the Greek Government in respect to banning the flow of strategic materials to Communist countries."

Senators will recall that that was at the time when the junior Senator from Wisconsin invaded the province and responsibilities of Harold Stassen, former Governor of Wisconsin and now the head of the Foreign Operations Administration. There is no question about that. It is all a matter of record. It is all a matter of incontrovertible fact.

Mr. President, I have read 8 or 9 specifications of what I believe to be misconduct on the part of the junior Senator from Wisconsin. It is misconduct which has brought the Senate of the United States into disrepute both here and abroad.

My colleagues may feel that the seriousness of these abuses are not sufficiently serious to justify censure by the Senate. I believe the abuses are sufficiently serious to justify far more drastic action. However, Senators may not feel as I do in that regard. That is a matter of evaluation.

I am not trying for a moment to suggest that the junior Senator from Wisconsin is not to be given a right to answer the charges and specifications.

There is no reason why, the specifications constituting facts, having been made, and the record existing, the junior Senator from Wisconsin cannot answer them on the floor of the Senate in the Committee of the Whole, with

every Member of the Senate being given the right to interrogate him and he being given the right to interrogate any other Member of the Senate. That seems to me to be the only way to proceed.

I probably would not bring up this matter if it had not been brought up in the remarks of the senior Senator from Florida [Mr. HOLLAND]. He very frankly and very honestly stated that he did not believe that a committee not yet formed and not yet chosen could possibly act effectively within the few days remaining before what is proposed to be or suggested to be the final adjournment of Congress. He said that, as he visualized the situation, we would take a recess and we would come back in November or December to debate the report of the committee.

I would not raise this question—because I certainly do not believe there is any deliberate attempt to sidetrack the whole matter—except that it is in my mind very distinctly, just as it was in the mind of my distinguished colleague, the senior Senator from Florida, when he spoke. I believe that is what is going to happen. We are not going to adjourn sine die on the 10th or 12th of August, if we act on this resolution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. I believe we will recess from time to time, as we have every legal and parliamentary right to do, and finally the matter will be pushed over, pushed off, and pushed off, into the autumn, if a report is submitted at all.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. I shall be glad to yield when I have finished my thought on this point.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. LEHMAN. I am glad the Senator from Florida brought up the point. I would have hesitated to do so, because it might have been looked upon as a reflection upon the distinguished majority leader. I believe, however, that is exactly what is going to happen.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I believe we will be brought back and held in suspense with 3-day recesses, or recesses for other periods, repeated time after time, to suit the convenience of the Members of the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I shall be glad to yield in a minute. That would be evading the situation. That is why I am opposed to the motion. Even if I am the only Senator to vote in opposition, I shall vote against the motion proposed by the distinguished majority leader, as amended by my colleague, the Senator from New York [Mr. IVES], and the Senator from Washington [Mr. JACKSON]. I am now glad to yield to the Senator from Florida.

Mr. HOLLAND. Is it because the distinguished Senator from New York recognizes that it will take 2 or 3 weeks or perhaps more for a hearing that the Senator from New York prefers, instead, to have no hearings, but to proceed in the form of a drumhead court-martial to a judgment of the facts on the varied recollections which we have after listening to various broadcasters and after reading various newspaper accounts based on differing sources of background information? Is that the reason why the distinguished Senator from New York is unwilling to have any trial, because he thinks it will take a little time to have a fair trial?

Mr. LEHMAN. No; of course that is not the case, and I do not believe the Senator from Florida believes that was in my mind. I want the junior Senator from Wisconsin to have the right to answer any charges that are made against him. Specifications and charges have been made in two or more amendments, and concerning those charges the facts are known. What is to stop the junior Senator from Wisconsin from appearing on the floor of the Senate to answer those charges set forth in those specifications? Nothing can stop him. The Senate can act as a Committee of the Whole. I say to my distinguished colleague from Florida that I would much rather have the Senate remain in session for another month, if necessary, in order to dispose of this matter.

Of course, the junior Senator from Wisconsin has the right——

Mr. IVES. Mr. President, will the Senator yield?

Mr. LEHMAN. I will in a moment.

The junior Senator from Wisconsin has, and should have, the right to answer all these charges. He must be given that right, so long as the Senate remains in session.

I am now glad to yield to my colleague.

Mr. IVES. I point out to my colleague from New York that the motion as now amended does not in any way, shape, or manner mean that we are going to have a recess from time to time after the House adjourns. There is no reason in the world why, before we decide to adjourn, at least before final adjournment by the House, that we cannot make final determination as to what we are going to do.

It should be pointed out that, under the provisions of the motion as it now stands, a report has to be made by the committee to be created under the motion, and at that time we can decide what we are going to do.

I must point out to my distinguished colleague that I think his apprehension is slightly premature. I do not think there is any cause for it at this time.

Mr. LEHMAN. As I listened to the proposer of the amendment to the motion, it seemed to me that it calls for a report before the Senate of the United States adjourns sine die.

Mr. IVES. That is correct.

Mr. LEHMAN. That is correct. I know that. I am not imputing any deliberate desire on the part of the distinguished majority leader to delay this matter or to sidetrack it, although I believe his motion will have that effect. I am echoing what the Senator from Florida [Mr. HOLLAND] has said. The motion provides that the report must be made before the Senate adjourns sine die. The Senate may not adjourn sine die until December 31, but there can be recesses all the time.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. LEHMAN. I am glad to yield.

Mr. KNOWLAND. The Senator says he is not imputing any such thing to the majority leader, but that is precisely what he is doing. What he is doing is charging the majority leader with sharp practice. I came to the floor of the Senate and offered in good faith the motion which I made. I accepted the amendments of the Senator from New York [Mr. IVES] and the Senator from Washington [Mr. JACKSON]. I discussed the motion with the minority leader, with the senior Senator from Arkansas [Mr. MCCLELLAN], and other Senators who are interested in this situation, and submitted it to the Senate with a statement of the fact that, so far as I was concerned, I believed the clear legislative intent was that the committee, when selected, should proceed expeditiously with its work, make a report to the Senate of the United States, and that the Senate of the United States should act upon the report before it adjourned sine die. I had no mental reservations when making that statement. I attempted no sharp practice. I am not used to dealing in that manner on the floor of the Senate of the United States, and the Senator from New York [Mr. LEHMAN] should know it.

I personally resent his statements because, despite his disclaimer, that is precisely what he has attempted to charge against the majority leader. I have acted in good faith today, and if the Senator from New York does not know that, I think there are at least 94 other Members of this body who do.

Mr. LEHMAN. While I do not have before me the exact words of the Senator from California [Mr. KNOWLAND], because, of course, they have not been typed, I think he will find that he himself, in the course of the debate, made the statement that, of course, he could not tell what kind of resolution might be brought up for a recess or for how long a period; that it might very well be that the House of Representatives, having completed their business, might decide to go home, but that we might, through recesses, continue our deliberations.

Mr. IVES. Mr. President, will the Senator yield at that point?

Mr. LEHMAN. I am glad to yield.

Mr. IVES. Does not my distinguished colleague realize that every time we take a recess we have to decide on that question? There is time enough to decide that when that occasion arises. We do not have to decide it tonight. Now is not the time to do it. We have to take this motion on good faith. As the distinguished majority leader pointed out, unless we do, we are not going to get anywhere with the whole controversy.

Mr. LEHMAN. I may say to my colleague, I certainly am not imputing bad faith to the majority leader. This question was raised by the senior Senator from Florida [Mr. HOLLAND] in the statement he made. When I say that, I repeat that, in my opinion, the effect of the adoption of this motion will be exactly what I have predicted and outlined.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I am very glad to yield.

Mr. LANGER. Does not the Senator realize that the House can adjourn and go home, and the Senate can still stay here and clean up this matter, even after the House goes home?

Mr. LEHMAN. I realize that, of course.

Mr. FLANDERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Vermont?

Mr. LEHMAN. I shall be glad to yield.

Mr. FLANDERS. Mr. President, there are three things, as I see it now, that we can logically do in this matter. One thing we can do is to lay it on the table. The junior Senator from Wisconsin [Mr. McCARTHY] told me a while ago that he was proposing to do so, but very kindly offered to wait until I had had a chance to speak. I am grateful to him for that promise.

Laying it on the table, of course, is something that does indicate a desire to run away from this question, and I am quite sure that that is not the sentiment of the Senate as it has been expressed by speaker after speaker, particularly this afternoon.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. FLANDERS. Yes.

Mr. KNOWLAND. First of all, I assure the Senator that I doubt very much if a motion to lay on the table will be made. Secondly, if it is made, the majority leader will resist it and will ask every Senator with whom he may have any influence to resist any motion to table.

Mr. FLANDERS. Of course, there is no discussion on it, but I have the assurance that at least I might be allowed to speak.

The second thing that can logically be done——

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FLANDERS. I yield.

Mr. McCARTHY. I missed what the Senator said because I just came into the Chamber. I caught the tag-end of it, and I understand the Senator is concerned about my making a motion to lay the resolution on the table.

Mr. FLANDERS. We had a little conversation about that, as the Senator will remember. I said if the Senator was going to make such a motion, I wanted a chance to speak first.

Mr. McCARTHY. The Senator is correct about the conversation. I said if I made such a motion it would be only after all the debate had ended.

I wonder if the Senator will yield so I may ask a parliamentary question.

Mr. FLANDERS. I yield for that purpose.

Mr. McCARTHY. Mr. President, am I correct in the assumption that if a motion were made to lay the resolution of the Senator from Vermont [Mr. FLANDERS] on the table, that motion would take precedence over all other amendments or motions and it would carry with it all amendments? In other words, the motion to lay on the table would carry everything else?

The PRESIDENT pro tempore. A motion to table would take precedence over any other amendment or motion. A motion to table would take precedence and would carry with it every pending amendment.

Mr. McCARTHY. I may say to the Senator from Vermont, I had considered making a motion to table before the motion of the Senator from California [Mr. KNOWLAND] was perfected. My present thought is that I will make no motion to table. I shall speak on that very briefly when the Senator from Vermont has finished.

Mr. FLANDERS. I thank the Senator.

The second logical thing that can be done is what has been done with my original resolution and the amendments proposed by the junior Senator from Arkansas [Mr. FULBRIGHT]. Those amendments are of such nature that they refer only to things which are on the record. So it is possible, in his judgment and in mine, for each Senator to come to his conclusions on those things which are already of record.

There is in every matter of this sort, in every situation of this kind, a question not only of the "whether," but also of the "why." I am not now talking legal language; I am speaking Vermont and Arkansas language. The question whether these things are so has already been decided. They are on the record. So the question of "whether" is wiped out.

When it comes to a consideration of the question "why" these various things took place, it is evidently very proper that the Senator in question should be given a chance to say why. But the "whether" in the amendments is not in question, in my view, or in the view of the junior Senator from Arkansas [Mr. FULBRIGHT], who offered the amendments.

There is one amendment, by the way, about which I am not so keen. I wish the junior Senator from Arkansas were present and could hear my friendly criticisms. The more I read the amendment, the more humorous, in a way, it becomes, particularly to me, personally. I refer to amendment AAA, offered by the junior Senator from Arkansas. "AAA," in this case, does not stand for "Agricultural Adjustment Administration," although it deals with money. After the three introductory lines, the amendment reads as follows:

> The junior Senator from Wisconsin, while a member of the committee having jurisdiction over the affairs of the Lustron Co., a corporation financed by Government money, received $10,000 without rendering services of comparable value.

That began to strike home. It is true that I am not in the $10,000 class at all. The highest fee I ever received while a Member of the United States Senate was a fee of $1,500 in consideration of the delivery of 3 Godkin lectures at Harvard. Did I render services of comparable value? I am not sure. Have I, in the language of the resolution, done something contrary to senatorial traditions, tending to bring the Senate into disrepute, and shall my conduct thereby be condemned? Perhaps it should be. I became nervous as I read this specification.

When this matter is taken up by any committee, if a committee is appointed, perhaps the condemnation should come on the ground of—I ask the distinguished senior Senator from Virginia, What is that phrase?

Mr. BYRD. Conflict of interests.

Mr. FLANDERS. It should come on the ground of a conflict of interests, not on the question of rendering services of comparable value. So much for that.

It has been and it is my conviction that these amendments, properly drawn, make it possible, after explanations as to why these things happened, for the Senate, and for Senators individually, to give immediate judgment as to whether or not these acts have affected the reputation and standing of the Senate, as has been suggested.

So without prejudice or without endeavoring unduly to influence the votes of other Members of the Senate, I shall still stand by the original resolution and the amendments offered by the junior Senator from Arkansas [Mr. FULBRIGHT].

If, however, the Senate in its wisdom and experience, which in the case of many Senators, extends for years anterior to mine, and possibly, in some cases, will extend for years posterior to mine, as well as anterior, decides otherwise, that is within the province of the Senate.

However, I feel that something more should be said if the posterior and anterior wisdom of the Senate decides that a committee must handle the question. I wish to bring up some points with reference to the proposed committee, so for that reason I am glad at this time to have the presence on the floor of the majority leader, whose motion this is.

The points raised in the amendments offered by the junior Senator from Arkansas were very closely restricted to those which were already documented. That gave a narrow range. I hope the majority leader will reassure us that when it comes to having a committee consider this subject, it will not be necessary to limit the investigation to the very narrow range of the already documented points.

I wish to ask if the Senator from California has any observations on that subject at this time?

Mr. KNOWLAND. I have no observations. A somewhat similar question was asked earlier, and I said that the motion to commit, with instructions to report before the adjournment of the Senate sine die, carries with it the prospect that the resolution offered by the Senator from Vermont, together with the various amendments and substitutes which have been heretofore offered in regard to the resolution, shall be referred to the committee. Certainly I think the committee should consider the so-called allegations, specifications, or itemized list of specifications which have been before the Senate. I do not assume it was the Senator's intention that the committee should engage in a general hunting expedition, with no limitations and no specifications charged, but

with merely a general, overall hunting license. I do not believe that was the intent of the specifications drawn by either the Senator from Arkansas [Mr. FULBRIGHT] or the Senator from Oregon [Mr. MORSE], or of other specifications which may have been heretofore submitted.

Mr. FLANDERS. I observed on the floor a few minutes ago that the senior Senator from Florida [Mr. HOLLAND], as I understood him, indicated that the investigation should be somewhat broadened. I do not see him in the Chamber now.

Mr. THYE. The Senator from Florida is out of the Chamber. I just met him in the corridor.

Mr. FLANDERS. How far away?

Mr. THYE. I would not attempt to tell the Senator that now, because the Senator from Florida was walking very fast when I met him.

Mr. FLANDERS. Certain points were eliminated by the narrow framework of the amendments offered by the Senator from Arkansas, which I should like now to specify, and which I feel a conscientious committee cannot fail to consider. So I shall specify some of them.

The senior Senator from Arkansas [Mr. FULBRIGHT] said, and very properly, that he felt that any defendant, in the course of the normal procedure of justice in this country—I think the Senator used the phrase "whether the defendant be a bum or a Senator"—should have preserved to him all the liberties and all the rights of a person accused or under investigation.

I ask—I demand—that the question whether the junior Senator from Wisconsin has treated "bum" and Senator alike and with the same consideration shall come before the proposed committee, if it be established. If so, will it not be considering matters which relate to conduct unbecoming a Member of the United States Senate, contrary to senatorial traditions, and tending to bring the Senate into disrepute, which conduct ought to be condemned? So I demand that that subject also enter into the proposed committee's consideration, if the proposed committee is formed.

There is another matter which was left out of the amendments proposed by the junior Senator from Arkansas simply because it was not officially documented. The junior Senator from Wisconsin gave the most outrageous description of the junior Senator from New Jersey [Mr. HENDRICKSON]. It was nasty beyond words. It appeared in the public press. It has no official documentation, but certainly those nasty words were unbecoming a Member of the United States Senate, they were contrary to senatorial traditions, unless senatorial traditions are far worse than I ever supposed they were, and they tended to bring the Senate into disrepute, and such conduct should be condemned. So I ask, Mr. President, and I demand, that this committee, if formed, take notice of those words.

There is another charge that was in my bill of particulars which must not be left out, and that relates to the antics and gyrations of the Cohn-Schine expedition to Europe. That subject must come under the purview of the proposed committee, if the Senate votes for the committee, and if the committee undertakes inquiries of any sort which would indicate conduct unbecoming a Member of the United States Senate, which is contrary to senatorial traditions and which tends to bring the Senate into disrepute, and such conduct must be condemned.

I hold in my hand the 33 charges against the junior Senator from Wisconsin. This is not fishing. These are specific charges. They were left out of the list of the junior Senator from Arkansas because most of them are not documented—some of them are documented—and if we are to proceed on the basis of charges not documented, these are all valid.

Mr. President, I demand that these be considered also by the committee, should it be appointed.

One last thing—and I address myself in all friendliness——

Mr. BUSH. Mr. President, will the Senator yield?

Mr. FLANDERS. I yield to the Senator from Connecticut.

Mr. BUSH. Has what the Senator is holding in his hand been put into the RECORD?

Mr. FLANDERS. I shall put the charges in the RECORD, and ask that they be made a part of my address at this point.

Mr. KNOWLAND. Mr. President, will the Senator yield for a question?

Mr. MCCARTHY. Mr. President——

Mr. KNOWLAND. I missed a part of the remarks of the Senator from Vermont. May I ask him where the specifications came from?

Mr. FLANDERS. That is unimportant.

Mr. KNOWLAND. I was wondering——

Mr. FLANDERS. That is unimportant. The question is, Are they valid?

Mr. KNOWLAND. I respectfully submit——

Mr. FLANDERS. The question is, Are they valid?

Mr. KNOWLAND. I respectfully submit that if the Senator is submitting certain charges or allegations it certainly becomes pertinent to ask whether the Senator himself devised the allegations, or whether this is a list which the CIO or ADA has prepared, or just what the list is. I think the Senate is entitled to know its antecedent.

Mr. THYE. Mr. President, a point of order. Can that request be granted except by unanimous consent?

The PRESIDENT pro tempore. The Senator from Vermont has the floor. Does the Senator from Vermont yield for a point of order?

Mr. FLANDERS. I yield.

The PRESIDENT pro tempore. The Senator from Minnesota will state his point of order.

Mr. THYE. The Senator from Vermont did not ask unanimous consent to have the list printed in the RECORD without reading it.

Mr. FLANDERS. Mr. President, I ask unanimous consent to have the list printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent to have the list printed in the RECORD at this point. Is there objection?

Mr. KNOWLAND. Mr. President, reserving the right to object, would the Senator from Vermont be willing to inform the Senate where the specifications were drafted? I think it is a perfectly reasonable question to ask whether the Senator himself devised the list, whether it is a list which was published by the CIO, or the Americans for Democratic Action, or the so-called Committee for a More Effective Congress, or whatever the name of the committee is.

Mr. FLANDERS. Let me say first that I was looking for a list. I asked to have one drawn up. I have been over the list, and every item in it is mine. It is mine.

Mr. KNOWLAND. So the Senator from Vermont drafted the list?

Mr. FLANDERS. I accept every item in the list. In came from the Committee for a More Effective Congress.

Mr. KNOWLAND. I thank the Senator.

Mr. FLANDERS. It came from them. That is unimportant. Now, put that in capital letters in the RECORD, or in italics, or, if the CONGRESSIONAL RECORD has "studhorse" type, use that.

Mr. MCCARTHY. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Wisconsin reserves the right to object.

Mr. MCCARTHY. Reserving the right to object, I have sat here now for 2 days listening to scurrilous, defamatory, false statements being made. I did not insist that the rules of the Senate be followed. If I did, I could have made Senators sit down time after time. I do not think I could consent to having some 33 charges put in the RECORD without knowing what they are. I assume they are of the nature of what has already been put in the RECORD, but I would not give unanimous consent to put them in the RECORD unless I know what they were. I know how strongly some of my good friends, if I may put the word "friends" in quotes, would like to "privilege" certain charges.

Mr. FLANDERS. Do I understand that the junior Senator from Wisconsin objects to the charges going into the RECORD?

Mr. MCCARTHY. I object unless I see the charges first. If they are in the nature of the usual insipid "stuff" of the Senator from Vermont, I shall let them go in.

Mr. FLANDERS. I would be glad to have the clerk lend the list of charges to the Senator from Wisconsin, though I must say I do that purely out of the goodness of my heart.

Mr. MCCARTHY. I am sure of that.

Mr. FLANDERS. Surely, there is some way in which a Senator can make charges without being held up by a purely technical situation.

Mr. THYE. Mr. President, the Senator can read them, if he so desires.

Mr. FLANDERS. I shall read them.

Mr. MCCARTHY. I can perhaps save the Senator's time if he will show them to me.

Mr. FLANDERS. No; I shall read them.

Mr. McCARTHY. I intend to ask that the Senator take his seat if he does.

Mr. FLANDERS. First, he has retained and/or accredited staff personnel whose reputations are in question and whose backgrounds would tend to indicate untrustworthiness—Surine, Lavinia, J. B. Matthews—as an example.

Mr. McCARTHY. Mr. President, I call the Senator to order.

The PRESIDENT pro tempore. The Senator has been called to order.

Under rule XIX, when a Senator is called to order, the Chair has no discretion but to order the Senator to take his seat.

(Thereupon Mr. FLANDERS took his seat.)

Mr. CORDON. Mr. President, I move that the Senator from Vermont be permitted to proceed in order.

Mr. McCARTHY. I will second that motion, if the Senator will proceed in order.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Vermont may proceed in order.

Mr. FLANDERS. Second, he has permitted his staff to conduct itself in a presumptuous manner. His counsel and his consultant—Messrs. Cohn and Schine—have been insolent to other Senators, discourteous to the public, and discreditable to the Senate. His counsel and consultant traveled abroad, making a spectacle of themselves, and brought discredit upon the Senate of the United States, whose employees they were.

I shall now add, though not to be put into the record, the fact that Mr. Cohn habitually rang three bells for the Senate elevator, and when the elevator boy asked him, "Where is the Senator?" he said, "I am here." [Laughter.]

I continue:

Third, he has conducted his committee in such a slovenly and unprofessional way that cases of mistaken identities have resulted in grievous hardship or have made his committee, and thereby the Senate, appear ridiculous. Examples: Annie Lee Moss, Lawrence W. Parrish subpenaed and brought to Washington instead of Lawrence T. Parish.

Fourth, he has proclaimed publicly his intention to subpena citizens of good reputation, and then never called them. Examples: Gen. Telford Taylor; William P. Bundy; former President Truman; reporters Mauder, Joseph Alsop, Friendly, Bigrant, Phillip Potter.

Fifth, he has repeatedly used verbal subpenas of questionable legality. Example: He tried to prevent State Department granting visa to William P. Bundy, on ground that he was under "oral subpena."

Sixth, he has attempted to intimidate the press and single out individual journalists who have been critical of him or whose reports he has regarded with disfavor, and either threatened them with subpena or forced them to testify in such a manner as to raise the possibility of a breach of the first amendment of the Constitution. Examples: Murray Marder of the Washington Post and Times Herald, the Alsops, and James Wechsler.

Seventh, he has attempted "economic coercion" against the press and radio, particularly the case of Time magazine, the Milwaukee Journal, and the Madison Capital Times. On June 16, 1952, McCARTHY sent letters to advertisers in Time magazine, urging them to withdraw their ads.

Eighth, he has permitted the staff to investigate at least one of his fellow Senators [Mr. JACKSON], and possibly numerous Senators. Such material has been reserved with the obvious intention of coercing the other Senator or Senators to submit to his will, or for the purpose of inhibiting them from expressing themselves critically. Cohn said he would "get" Senator JACKSON—Washington News, June 14, 1954.

Mr. McCARTHY. Mr. President, if the Senator from Vermont will yield, let me say I am sure he would not purposely misstate a fact. Therefore, I should like to correct him and tell the Senator that my staff has never investigated the Senator from Washington [Mr. JACKSON] even remotely.

Mr. FLANDERS. Has the staff ever threatened the Senator from Washington [Mr. JACKSON]?

Mr. McCARTHY. Not that I know of.

Mr. FLANDERS. Very well.

Mr. WELKER. Mr. President, will the Senator from Vermont yield?

Mr. FLANDERS. I yield.

Mr. WELKER. These additional 33 charges are very interesting. I should like to ask my friend, the Senator from Vermont, how long he has had these charges in his hand.

Mr. FLANDERS. A few days.

Mr. WELKER. How many days?

Mr. FLANDERS. Oh, I think 4 or 5 days. I was glad to get them.

Mr. WELKER. The Senator received them from the Committee for a More Effective Congress?

Mr. FLANDERS. That I have already said. I have also said in a loud and firm voice——

Mr. WELKER. Yes; I heard.

Mr. FLANDERS. That that is an immaterial matter.

Mr. WELKER. I heard that. Would the Senator from Vermont mind telling me why he did not amend his original resolution so as to include all these charges?

Mr. FLANDERS. That reason, Mr. President, I have already explained; probably while the Senator from Idaho was absent from the floor.

Mr. WELKER. I am sorry if I missed it. I should be glad to hear it.

Mr. FLANDERS. I agreed on the framework of the original charges with the junior Senator from Arkansas [Mr. FULBRIGHT], and they were so framed that they were completely documented. These charges are not completely documented, so I did not use them.

Mr. WELKER. Very well. I thank the Senator from Vermont very much.

Mr. McCARTHY. Mr. President, if the Senator from Vermont will yield briefly once more, let me say I fear the statement he has made might create the impression with some of us there is some reason to investigate the Senator from Washington [Mr. JACKSON]. Let me say I have no information of any nature, shape or form whatsoever which would even remotely indicate that there should be any investigation of the junior Senator from Washington. I know nothing of a derogatory nature about him, nothing which would justify an investigation. I say that for fear that the statement of the Senator from Vermont may have created the impression that I or someone else thought there might be something which should be investigated. There is absolutely nothing.

Mr. FLANDERS. That is a very helpful statement from the junior Senator from Wisconsin, and I am glad he made it.

Mr. CAPEHART. Mr. President, will the Senator from Vermont yield to me?

Mr. FLANDERS. I yield.

Mr. CAPEHART. From where does the Senator get his information that the staff was going to investigate the junior Senator from Washington [Mr. JACKSON]? Was that not hearsay?

Mr. FLANDERS. I got that from the Washington News, June 14, 1954.

Mr. CAPEHART. In other words, does the Senator from Vermont mean to tell me that a United States Senator will stand on the floor of the United States Senate and repeat something he read in the newspapers, which is not documented, against a fellow Senator? Does the Senator from Vermont mean to tell me he would do that? Every one of the charges he has made is based upon what he has read in the newspapers.

Mr. FLANDERS. Not all of them.

Mr. CAPEHART. The Senator from Vermont does not know of a single one of his own knowledge. Yet he stands here and indulges in the very same tactics of which he accuses the junior Senator from Wisconsin. I am amazed.

Mr. FLANDERS. Well, so am I.

Mr. CAPEHART. I am amazed.

Mr. FLANDERS. So am I.

Mr. CAPEHART. I am amazed that the Senator from Vermont would indulge in such procedure.

Mr. FLANDERS. I am amazed that a Senator so experienced as is the Senator from Indiana should pay no attention to what is published in the newspapers, and should close his eyes to such information, and not consider that once in a while it is barely possible—just barely possible—that what is printed in the newspaper may have some foundation of fact.

Mr. CAPEHART. Mr. President, if the Senator from Vermont will yield to me, let me say there is not any question about that; but since when does a Senator of the United States, on the basis of reading something perhaps only one time, in a newspaper, rise on the floor of the United States Senate and condemn a fellow Senator?

I say that is the height of ridiculousness and silliness. Again I say I am amazed that a Senator should indulge in such procedure, because every word he has uttered here tonight is pure hearsay. The Senator from Vermont has no documentary evidence at all. He stands here and tries to convince other

Members of the Senate. Frankly, in my opinion, he is insulting the intelligence of other Senators when he submits such trash.

Mr. FLANDERS. I thank the Senator from Indiana for his kind observations. [Laughter.]

Mr. President, I continue.

Ninth, he has posed as saviour of his country from communism, yet the Department of Justice reported that McCARTHY never turned over for prosecution a single case against any of his alleged "Communists." That is the Justice Department report of December 18, 1951.

There may be something newer than that, I am free to admit.

I continue:

Since that date not a single person has been tried for Communist activities as a result of information supplied by McCARTHY.

Here I wish to enter a disclaimer or a warning. As I said, I believe the other evening, it is a fact that the junior Senator from Wisconsin was active in the Lattimore case; and I desire to give him credit for that. That case is still untried.

I continue:

Tenth, he has attacked, defamed, and besmirched military heroes of the United States, either as witnesses before his committee or under the cloak of immunity of the Senate floor. The examples are: General Zwicker and General Marshall.

Eleventh, he has used distortion and innuendo to attack the reputations of the following citizens: Former President Truman, Gen. George Marshall, Attorney General Brownell, John J. McCloy, Ambassador Charles E. Bohlen, Senator Raymond Baldwin, former Assistant Secretary of Defense Anna Rosenberg, Philip Jessup, Marquis Childs, Richard L. Strout of the Christian Science Monitor, Gen. Telford Taylor, and the three national press associations.

Mr. McCARTHY. I hate to interrupt the Senator, but I wonder if the Senator would yield for one question, Mr. President?

Mr. FLANDERS. I am glad to yield.

Mr. McCARTHY. Do I understand that this was prepared by the group that had two rooms in the Carroll Arms Hotel, and were doing this lobbying?

Mr. FLANDERS. It was prepared by the Committee for a More Effective Congress.

By way of diversion, I might mention that they sent me a check for $1,000 to use in my campaign in Vermont, and I sent it back, so that is my connection with them.

Mr. McCARTHY. Could the Senator tell me when that was prepared by them?

Mr. FLANDERS. I have not the slightest idea, except that I asked for it about 5 days ago.

Mr. McCARTHY. When did they give it to the Senator, does the Senator know?

Mr. FLANDERS. Oh, 3 or 4 days ago. I have not the exact dates in my mind.

Mr. McCARTHY. I thank the Senator.

Mr. FLANDERS. That is not documentary evidence.

Mr. McCARTHY. I thank the Senator.

Mr. FLANDERS. Twelfth, he has disclosed restricted security information in possible violation of the espionage laws. McCARTHY has made public portions of an Army Intelligence study, "Soviet Siberia," which compelled the Army to declassify and release the entire document.

Thirteenth, he received and held a valuable classified document in possible violation of the Espionage Act. This was revealed in the Army-McCarthy hearings that he had improperly obtained J. Edgar Hoover's report on subversives from the Army, and failed to restore the document to properly authorized hands. He permitted that document to fall into the hands of a gossip columnist to wit, Walter Winchell.

Fourteenth, he has publicly incited Government employees to violate their security oaths and serve as his personal informants, thus tending to break down the orderly chain of command in the civil service, as well as violate the security provisions of the Government.

Fifteenth, he has used his official position to fix the Communist label upon all individuals and newspapers as might legitimately disagree with him or refuse to acknowledge him as the unique leader in the fight against subversion. There are, for instance, deliberate slips, such as calling Adlai Stevenson "Alger"; saying that the American Civil Liberties Union had been "listed" as doing the work of the Communist Party; calling the Milwaukee Journal and Washington Post and Times Herald local "editions of the Daily Worker."

Sixteenth, he has attempted to usurp the functions of the executive department by having his staff negotiate agreements with a group of Greek shipowners in London; and has infringed upon functions of the State Department, claiming that he was acting in the "national interest."

Seventeenth, he has continued to show his contempt for the Senate by failing to explain in any manner the six charges contained in the Hennings-Hayden-Hendrickson report, which was filed in January 1953. This involves his bank transactions, possible income-tax evasions, and the Lustron deal. The taint persists until he satisfactorily explains these matters, which he has refused to do, although invited six times to appear, during the 82d Congress.

I am more than half way through.

Mr. McCARTHY. The Senator could save some of his time, if he would hand the list to me. I would glance over them, and we could, perhaps——

Mr. FLANDERS. I enjoy reading them. I thought it might turn out to be boring, but it has not been.

Eighteenth, he has made false claims about alleged wounds which in fact he did not suffer. He claims he was a tail-gunner when, in fact, he was a Marine Air Force ground intelligence officer; he claims he entered as a buck private, when he entered as a commissioned officer.

Nineteenth, his rude and ruthless disregard of the rights of other Senators has gone to the point where the entire minority membership of the Permanent Investigating Subcommittee resigned from the committee in protest against his high-handedness—July 10, 1953.

Twentieth, he has intruded upon the prerogative of the executive branch, violating the constitutional principles of separation of powers. Within a single week, February 14–20, 1953, Senator McCARTHY's activities against Voice of America forced the State Department three times to reverse administrative decisions on matters normally considered internal operating procedures. (1) The Department had authorized the use of certain writings by pro-Communist authors as part of their program to expose Communist lies and false promises. Senator McCARTHY compelled the State Department to discontinue this practice.

I might say, parenthetically, that I should have gone all through this material, and wherever the proper name occurs, I should have crossed it out and said, "the junior Senator from Wisconsin." That I will now undertake to do.

(2) The Department authorized its employees to refuse to talk with McCARTHY's staff in the absence of McCARTHY himself. It was compelled to cancel this directive. (3) John Matson, a departmental security agent who had cooperated with the junior Senator from Wisconsin, was transferred so as to be put out of reach of the Department's confidential files. The junior Senator from Wisconsin compelled the Department to return Matson to his original position.

Twenty-first, he has infringed upon the jurisdiction of other Senate committees, invading the area of the Internal Security Subcommittee and other committees of the Congress.

Twenty-second, he has failed to perform the solid and useful duties of the Government Operations Committee, abandoning the legitimate and vital functions of this committee.

I do not see the senior Senator from Delaware [Mr. WILLIAMS] in the Chamber. Were he here I would make a low bow—there he is—I make a low bow in his direction.

Twenty-third, he has held executive sessions in an apparent attempt to prevent the press from getting an accurate account of the testimony of witnesses, and then released his own versions of that testimony, often at variance with the subsequently revealed transcripts, and under circumstances in which the witness had little opportunity to correct or object to his version.

Twenty-fourth, he has questioned adverse witnesses in public session in such a manner as to defame loyal and valuable public servants, whose own testimony he failed to get beforehand, and whom he never provided a comparable opportunity for answering the charges.

Twenty-fifth, he has barred the press and general public from executive sessions and then permitted unauthorized persons whom his whim favored to attend, in one case, a class of school girls, thus holding the very principle of executive sessions up to ridicule.

I do not know, I will say to the junior Senator from Wisconsin, whether that

was the class of school girls the Senator was taking to lunch in the Vandenberg Room, when I was invited to come in. I must say that they were a very attractive group.

I could pardon almost anything the Senator might have done in according to them such privileges of the United States Senate. Yet I wonder whether it was the right thing to do.

Twenty-sixth, his conduct has caused and permitted his subcommittee to be incomplete or incapacitated in its normal work for approximately 40 percent of the time that he has been its chairman. During his 19 months as chairman of the subcommittee, his refusal to recognize their rights—later acknowledged by him—caused the minority members to leave the subcommittee on July 10, 1953, and they did not return until January 25, 1954. His personally motivated quarrel with the United States Army necessitated the interruption of the subcommittee's work and its exclusive preoccupation with the Army-McCarthy hearings from April 22, 1954 to June 17, 1954.

Twenty-seventh, he has publicly threatened publications with the withdrawal of their second-class mailing privilege because he disagreed with their editorial policy. Examples are the Washington Post and Times Herald, Wall Street Journal, and Times magazine. Letter to Postmaster General Summerfield made public August 22, 1953, as reported in the Washington Post and Times Herald of August 23, 1953.

Twenty-eighth, he has exploited his committee chairmanship to disseminate fantastic and unverified claims for the obvious purpose of publicity. The junior Senator's hint that he was in secret communication with Lavrenti P. Beria and would produce him as a witness at a time when Beria was on the verge of execution in Moscow, as reported in the Washington News of September 21, 1953, in connection with the announcement of the plan to subpena Beria.

Mr. McCARTHY. Mr. President, will the Senator yield on that point?

Mr. FLANDERS. I yield.

Mr. McCARTHY. I am sure that the last thing the Senator from Vermont would want to do is to make a misstatement of fact. Therefore, I should like to inform him that the junior Senator from Wisconsin never even remotely indicated that he was in touch with Beria. The press and wire services in the gallery can testify to that fact. They came to my office day after day and asked me if I had had any contact with Beria. I told them I had had no contact whatever, but that I had good reason to believe that the Beria story was a complete fake. My good friends in the press gallery know that to be a fact, and I am sure the Senator from Vermont would not want falsely to misrepresent the facts.

Mr. FLANDERS. I am glad to have the Senator's statement interposed at this time.

Twenty-ninth, he has denied Members of Congress access to the files of the committee, to which every Member of Congress is entitled under the Reorganization Act, under title II, section 202, paragraph (d).

Thirtieth, he has ridiculed his colleagues in the Senate, defaming them publicly in vulgar and base language—regarding the junior Senator from New Jersey [Mr. HENDRICKSON], "A living miracle without brains or guts."

I have something here also about which I do not feel so keenly. With regard to me the observation is, "Senile. I think they should get a man with a net and take him to a good quiet place." I should like to say to the junior Senator from Wisconsin that I enjoyed that, but I did not enjoy what he said about the junior Senator from New Jersey [Mr. HENDRICKSON].

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. FLANDERS. I yield.

Mr. HENDRICKSON. I can assure the Senator from Vermont that it never worried the junior Senator from New Jersey one bit.

Mr. FLANDERS. At the same time I submit that it was unbecoming a Member of the United States Senate and was contrary to senatorial traditions and tended to bring the Senate into disrepute, and such conduct should be condemned.

Thirty-first, he has announced investigations prematurely, subsequently dropping these investigations so that the question whether there was ever any serious intent to pursue them may be justifiably raised, along with the inevitable conclusion that publicity was the only purpose.

Thirty-second, checking through hearings, one will note that favorable material submitted by witnesses will usually have the notation "May be found in the files of the subcommittee," whereas unfavorable material is printed in the record.

Thirty-third, he has permitted changing of committee reports and records in such a way as to substantially change or delete vital meanings. As an example, the senior Senator from Maine [Mrs. SMITH] felt compelled to object to the filing of his 1953 subcommittee reports without their first being sent through the full committee.

I have one final word with the majority leader.

Mr. KNOWLAND. Mr. President, will the Senator yield for an inquiry at that point, so that we may proceed in an orderly fashion?

Mr. FLANDERS. I yield.

Mr. KNOWLAND. I am not certain. Is the Senator now offering these allegations or specifications, or whatever we may call them, as an amendment in the nature of a substitute, so that they may be sent to the select committee, along with other substitutes and amendments; or is he merely offering them to the Senate, as a matter of information? The reason I raise the question is that my motion reads:

> I move to refer the pending resolution, Senate Resolution 301—

I say parenthetically that that is the original Flanders resolution—

> together with all amendments proposed thereto, to a select committee.

And so forth. That includes all the modifications that have been made. Therefore, I am trying to find out before the motion is voted on whether the Senator is now offering these allegations in the nature of an amendment to his original resolution or in the nature of a substitute, so that they will be taken to the committee, in conformity with the motion I have made.

Mr. FLANDERS. I will offer these allegations as amendments after a few concluding words.

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Vermont yield for a parliamentary inquiry?

Mr. FLANDERS. I do.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Have the yeas and nays been ordered on the motion?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CASE. Can amendments be offered at this point?

Mr. KNOWLAND. As I understand, the allegations are not an amendment to the motion to refer the matter to a select committee, but are in the nature of amendments to the original Flanders resolution.

The PRESIDING OFFICER. Unanimous consent would be required to modify the original Flanders resolution, because the yeas and nays have been ordered.

Mr. McCARTHY. I urge that the Senate give unanimous consent.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. I do not understand that the Senator from Vermont is asking unanimous consent to modify his original resolution, but that he is requesting the right to offer these allegations as amendments to the original resolution. Does such an act require unanimous consent?

The PRESIDING OFFICER. There is pending a preferential motion to refer the matter to a committee. Therefore the amendments are not in order.

Mr. McCARTHY. Mr. President, will the Senator yield to me on that point?

The PRESIDING OFFICER. The Senator from Vermont may ask unanimous consent to have the amendments printed and to have them lie on the table.

Mr. McCARTHY. Mr. President, will the Senator from Vermont yield?

Mr. FLANDERS. I will yield to the Senator from Wisconsin in a moment. Do I understand that there is no way, no possible way, no imaginable way, by which to get these amendments before the Senate?

Mr. KNOWLAND. I have a suggestion to make in that connection. The Assistant Parliamentarian states that the Senator from Vermont may be given unanimous consent that the specifications he has read be offered as an amendment to the original Flanders resolution, to be printed and to lie on the table. Therefore they will go to the committee with the Fulbright substitute and the Morse substitute and such other amendments as have been offered, and they will be referred to the select committee in the

event the Senate decides to appoint a select committee for that purpose.

Mr. FLANDERS. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Vermont?

Mr. McCARTHY. Mr. President, I hope no Senator will object. I believe the Senator from Vermont and all other Senators who have resolutions against me should be allowed to put in the whole load. I do not think there should be any objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FLANDERS. I have one final word to say to the majority leader. I must say, to put it very mildly, that the majority leader is very optimistic about getting this done within the next week or 2 or 3.

I suggest that the majority leader make some arrangement or make some suggestion other than that it be done before we adjourn.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FLANDERS. I yield.

Mr. CORDON. Mr. President, would the Senator object to an arrangement by which the present situation might go forward; that is to say, that the Senator's original specification plus the supplemental specification, in addition to the specifications of the Senator from Arkansas [Mr. FULBRIGHT] and of the Senator from Oregon [Mr. MORSE] may be considered by the committee. Would the Senator feel that any Senators who have offered specifications might individually at any time withdraw any or all of them from the committee so that the committee might have an opportunity to consider, first, everything that might be offered or, second, that which, after consideration and before the committee reports, might be withdrawn. I make the suggestion with the thought that all we seek here is to have a considered, sound judgment reached upon those charges which, after consideration, the membership of the Senate desire to have considered.

Mr. FLANDERS. Is the Senator from Oregon suggesting that we not determine tonight what the committee shall act upon?

Mr. CORDON. Exactly—that we determine tonight that the committee may act upon everything that has been offered; that we determine, however, that anything which has been offered may, before determination thereon, be withdrawn.

I would suggest in such event that certainly every Member of the Senate who has put himself in the position of taking the responsibility of filing charges would act expeditiously in his final determination.

Mr. FLANDERS. The suggestion, then, would be that I might want to withdraw 1, 2, 3, or 4 charges. If the suggestion of the Senator from Oregon can be taken care of in a parliamentary way, I should be glad to be given permission to withdraw any charge that I find I cannot adequately document, because my next step will be to document these charges. I might be willing to withdraw the documentation on some of them, although they stand up, I think, pretty well. I do not believe that the batting average is much below 0.900.

Mr. McCARTHY. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. McCARTHY. Mr. President, the Knowland resolution offers an opportunity that I deeply appreciate. For the first time it appears that I shall be able to appear before a nonpartisan committee—I assume they will be carefully selected so we will not have anyone prejudiced on one side or the other—and we will finally put to rest all of the false, scurrilous, defamatory, irresponsible charges that have been made over the past number of years.

For example, the charge made by the Senator from Arkansas [Mr. FULBRIGHT] was made in a much gentler vein, but without Senate immunity, by a New York paper. It cost them $16,500 in a libel and slander suit, and cost them the embarrassment of apologizing and stating that they were completely wrong.

I know the Senator from Arkansas is trying to ignore me on this, but you are hearing, I am sure. You have criticized me often for using Senate immunity. You used Senate immunity to make a charge of a shakedown. I want to inform you tonight, if you will make that statement off the Senate floor you will have the same experience that the New York newspaper had which cost them $16,500 for much less vicious charges.

Mr. President, there is one thing about the resolution which disturbs me somewhat. Under the rules of the Senate, I believe a committee has no authority to subpena a Senator. We have a number of Senators—FLANDERS, COOPER, LEHMAN, MORSE, MONRONEY, HENNINGS, and "Halfbright"—who made charges on the Senate floor which were not under oath. This resolution will not allow the committee to subpena those Senators. There is no way to force their appearance.

I do think, Mr. President, there should be an amendment after the words "require by subpena or otherwise the attendance of such witnesses" to insert the words "including Senators."

Mr. KNOWLAND. Mr. President, will the Senator yield at this point?

Mr. McCARTHY. I shall be glad to yield.

Mr. KNOWLAND. As the Senator knows, the original motion has been modified by the proposal of the Senator from New York [Mr. IVES] and the proposal of the Senator from Washington [Mr. JACKSON], which were accepted by me, and the yeas and nays have been ordered on it. So further modifications can be made only by unanimous consent. After the junior Senator from Wisconsin spoke to me concerning the point he has raised, I did a little exploration on the other side of the aisle, and it was pointed out that the precise language of the Jackson amendment, which I accepted and made a part of my motion, is taken from the Congressional Reorganization Act. I think there might be some legitimate objection raised to the additional words, because they are not in the Reorganization Act. I am not a lawyer, but there is some question as to the constitutional problem involved.

The junior Senator from Wisconsin has made clear that he is prepared to appear before such a committee. I certainly hope and believe that the committee will be as nearly of judicial character as it is possible to get from among the Senators in the Chamber. I should hope that any other Senator whose testimony might be desired by such a committee would be prepared to answer an invitation of the committee to appear. If the Senator presses the point of giving subpena power to the committee, I think that would be objected to.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. McCARTHY. The Senator says he thinks that would be objected to and that it would require unanimous consent. I shall ask for unanimous consent, to find out who objects to subpenaing Senators. Those who have made their scurrilous, false charges on the floor should not object to being subpenaed. I am going to ask for unanimous consent that the words "including Senators" be inserted between the word "witnesses" and the word "and."

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HAYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. McCARTHY. I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. I wish to advise the distinguished Senator from Wisconsin, who did me the favor of mentioning my name, that I shall be glad to appear, either under subpena or voluntarily, at any time any Senator on the committee requests my presence.

Mr. McCARTHY. That leaves the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Vermont [Mr. FLANDERS], the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. LEHMAN], the Senator from Oregon [Mr. MORSE], and the Senator from Missouri [Mr. HENNINGS]. I sincerely hope that they will appear.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MORSE. While pleading "not guilty" to the adjective used by the Senator from Wisconsin in describing the group of Senators, let me say to him now that I shall be very glad to appear before any committee, at any time, to answer whatever questions the committee may wish to ask.

Mr. McCARTHY. I do not think I used any adjectives in describing the Senator.

Mr. MORSE. Perhaps I misunderstood the Senator, but I thought that when the Senator began to comment upon certain remarks made upon the floor of the Senate, he attributed those remarks to the group of Senators whose names the Senator has just finished reading.

Mr. McCARTHY. No. I said that they were the Senators who made very,

very serious charges against me, and that I thought they should all be willing to appear under oath and give the committee the benefit of their testimony.

Mr. MORSE. Speaking in a facetious and good humored way, I may say that I do not believe that is what the Senator said. In making the charges against us, he used some interesting adjectives.

Mr. McCARTHY. The Senator may be correct.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. McCARTHY. I am glad to yield to the Senator from Missouri.

Mr. HENNINGS. I was not aware of making any charges against the Senator from Wisconsin this afternoon or at any other time, except as was required of me, as a member of a Senate committee appointed by the Senate, and confirmed by a vote as to its authority and jurisdiction.

In any event, I shall not have to be written to more than once. I shall respond to an invitation for such purpose as the committee may indicate is its desire.

Mr. FLANDERS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FLANDERS. The wording of the request of the junior Senator from Wisconsin gave me the thought that perhaps he has in mind investigating the other Senators. I would even be willing to appear before the committee for that purpose. But I understand the investigation is to be on the charges made against the junior Senator from Wisconsin, and I trust that the subcommittee will not be led into byways and footpaths leading no one knows whither. So, while I shall be willing to come, yet I wish to emphasize that the testimony is to be on charges formally made in the Senate at this time, and to be answered by the junior Senator from Wisconsin.

Mr. McCARTHY. I understand the junior Senator from Vermont will be willing to appear before the committee. Is that correct? Did I understand the Senator to say he would be willing to come?

Mr. FLANDERS. I shall come for any legitimate reason, but I still wish to emphasize that the committee will be concerned with charges to be answered by the junior Senator from Wisconsin.

Mr. McCARTHY. That leaves the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. LEHMAN], and the Senator from Kentucky [Mr. COOPER]. I sincerely hope they will be willing to appear before the committee, and, under oath, to make the statements which they have made on the Senate floor, backing them with some proof.

I do not intend to offer an amendment to the resolution, but in view of the seriousness of the charges which have been made and remade over the past 3 or 4 years, charges prepared by some lobbying group for the Senator from Vermont, who comes to the Senate floor and reads them, and who says that some of them may be lacking in truth, I sincerely hope that the committee which is selected will give me the right to cross-examine the Senators who make these serious charges.

Although I know there will be a great many objections on the part of the Senators who have made the charges, nevertheless, if I am given the right to cross-examine, I assure the American people that the Senators who have made the charges will either indict themselves for perjury, or will prove what consummate liars they are, by showing the difference between their statements on the floor of the Senate and their testimony in the hearing.

I hope that the Senators will agree that I may cross-examine them.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I am glad to yield to the Senator from New York.

Mr. LEHMAN. I was not in the Chamber until a minute or two ago, so I am not quite certain as to exactly what the junior Senator from Wisconsin said. However, I think I know in a general way.

I wish to assure the junior Senator from Wisconsin that when and if this matter is considered by a special committee, and if I am requested to appear by the committee to support any charges I have made against the junior Senator from Wisconsin, I shall be very glad, indeed, to do so, and I shall be glad to testify under oath with all that that implies.

Mr. McCARTHY. Will the Senator from New York agree to permit the committee to allow me to cross-examine him?

Mr. LEHMAN. Oh, of course, if the committee so decides. I do not make charges without being willing to stand up to them. At any time, if I am requested by the committee to appear, I shall be glad to be there.

Mr. McCARTHY. That leaves only two Senators to be concerned about.

For the benefit of the junior Senator from New York, that matter came up in the following form: I had asked for unanimous consent to amend the resolution to give the committee the right to subpena Senators. The Senator from Arizona [Mr. HAYDEN] objected to that request. Therefore, the question arose as to whether Senators would voluntarily agree to appear before the committee.

The junior Senator from New York has agreed. I think he is to be commended for doing so. He has volunteered to appear.

There are only two Senators who have not so indicated. One is my friend, the Senator from Kentucky [Mr. COOPER], who saw fit to make charges about me the other day, when I was not present. The other is the Senator from Arkansas [Mr. FULBRIGHT], who, I hope, before the hearings are held, will also decide that he will appear and, under oath, will try to back up the completely irresponsible, false, and unfounded charges which have been made by some Senators, who did not even have the courtesy to tell me that they would appear on the floor of the Senate to indict me. Therefore I could not be here to listen to them and I could not answer them.

I hope the Senator from Kentucky and the Senator from Arkansas will follow the lead of the junior Senator from New York [Mr. LEHMAN] and other Senators, who have said that they would appear, raise their right hands, and be sworn.

I hope that more Senators will follow the lead of the junior Senator from New York in saying that they also will ask the committee to allow the junior Senator from Wisconsin, who is charged with improper conduct, to cross-examine them. No one should be afraid of cross-examination if he is telling the truth.

I assume that some Senators who have made charges here will be afraid to have me cross-examine them.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LEHMAN. I wish to make it very clear that I am perfectly willing and ready, as I have said, to appear before the committee, raise my right hand, and be put under oath to testify on any matter on which the committee considers it is proper to interrogate me, and in such manner as the committee may decide.

Mr. McCARTHY. I thank the Senator.

Mr. CORDON. Mr. President, this colloquy again confirms the wisdom of the action that may and should be taken on the motion. However, the matter has become more complex, as very obviously it was bound to become in the course of the debate on the subject.

Mr. President, there is still, I believe, a hope and a possibility that the inquiry may be narrowed to an area which may be investigated, and upon which returns in the way of recommendations may be made at this session, whether they be recommendations for specific action or recommendations that the Senate take over on the basis of the facts reported by the committee. I still hope that that can be done.

But in order that the Senate may do what it can at this time to advance that action, I ask unanimous consent that, at any time within 3 days from the adoption of the resolution, if it be adopted, additional specifications may be made—one may term them additional items to the bill of particulars, or whatever it may be called—and that also within that time specifications heretofore made, or in that interim made, may be withdrawn; but at the conclusion of 3 days from the time of the appointment of the committee, the charges shall be deemed to have been made, and thereafter no charge shall be made.

By doing that, I am hopeful that the investigation may be narrowed, so as to permit orderly consideration and an expeditious conclusion.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the senior Senator from Oregon?

Mr. GORE. I object.

Mr. FULBRIGHT. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I did not object. Another Senator objected to the unanimous-consent request, although I can understand why objection was made.

Mr. President, we have already had a very slight example of what we can expect. I think the junior Senator from Wisconsin is a great genius. He has the

most extraordinary talent for disruption and causing confusion in any orderly process of any body of men that I have ever seen. I have seen various explanations of how he has come by that genius, but I do not wish to go into that subject at the present time. We have already seen how he has attempted to put 6 or 8 Senators on the defensive. We have seen how we have been asked to come and profess that we are "good boys," and at the hearing he will be asking others in the Senate to come before him and assert their loyalty.

It seems to me many Members of the Senate failed to observe the recent hearings held by a committee of some honorable Members of this body, some of whom are as able in the law as any Members of this body. I think they failed to observe how the junior Senator from Wisconsin was able almost completely to stultify the hearings. Members of the committee started out to have a complete hearing. They were going to be statesmanlike and thorough, and all that. It was through no fault of the membership of that committee that they did not produce very much, because every time the attorney for the Army, particularly Mr. Welch, was about to make a point, after building up to it, he was confronted with points of order, and the cross-examination began. I think, in all candor, it must be said that very little was proved in those hearings.

A great deal was discussed. Many issues were raised. But very few issues were ever resolved. I think the committee will have great difficulty in bringing in a report—certainly one in which there is unanimity, or one in which there is agreement on any particular point.

We all recognize that throughout history geniuses of one kind of another appear. Some are military geniuses, and some are political geniuses. When they do appear they do not conform to established principles and rules of society, and they cause many difficulties. I think the junior Senator from Wisconsin has all the characteristics of a most unusual man. I do not mean by that statement that all of his characteristics are necessarily evil; but he is an unusual character, and I think what has been going on proves it. We have had five investigations concerning one activity or another of the junior Senator from Wisconsin since he has been a Senator, and the Senator has been here only a short time. I believe he has been a Senator since 1946, which is only 8 years.

Today the Senator from Missouri [Mr. HENNINGS] stated that during a large part of the last 3 years, in one way or another he has spent that time in studying the activities of this man. Honestly, I ask my colleagues, has the Senate nothing to do but use its time in this kind of activity? I certainly object to having spent whatever time I have spent on it. I might say to my colleagues that I was one of the first Senators to face this genius in a hearing. I was assigned to the committee aginst my will, just as the Senator from Missouri was. That was on the so-called Jessup committee. I had never met Mr. Jessup before that time. I had never had an impression of the junior Senator from Wisconsin before that hearing. A record was made of the hearing.

I would not trust my memory to remember every detail of it, because there never is any pleasure in recalling such experiences, and one tries to throw them out of his mind; but one cannot forget them. One of the reasons I made my proposal was in an effort to bring to a close the increasing crescendo of activity on the part of the junior Senator from Wisconsin, so that Senators can pay more attention to other matters.

If ever the Senate was delayed in its work by a single matter, it was this spring when hearings were held for 6 or 7 weeks, or whatever the time was, while the so-called Army-McCarthy hearings were televised. Serious matters could get no attention in the press, and no one was interested in them.

Going back to the Jessup hearing, it is very difficult to describe the procedure of the junior Senator from Wisconsin, because his activities and procedures do not conform to normal activities of people. Words which would mean one thing to a normal person do not mean the same thing when applied to the junior Senator from Wisconsin. When the Senator presented our committee with a whole series of documents which he had prepared, they were contained in a beautiful little folder which was carefully tinted pink, in order to convey a suggestion as to the political philosophy of the subject, in that case Mr. Jessup. We had long hearings. The Senator from Alabama [Mr. SPARKMAN] was chairman of the committee. I was on the committee, and the Senator from Iowa [Mr. GILLETTE] also was. Senator Brewster and Senator SMITH, I believe, were members. I think that was the whole of the committee. We had long hearings. I remember distinctly one meeting when many exhibits were introduced, but in particular I remember one that had been prepared by the junior Senator from Wisconsin. I was reminded of that not so long ago when we saw the letter which purported to have been written by Mr. Hoover, but was not. In the Jessup hearing the document undertook to show that a certain organization in New York had been cited as having communistic leanings. It was one of those un-American citations. It had been cited by the Un-American Activities Committee.

Our committee staff looked thoroughly into the matter. It spent days trying to trace the organization down and could not find it. After all the long hours of search, it finally turned out that the reference was to the Un-American Activities Committee of the State of California. It did not refer to the organization in New York, but to the one in California. It was completely misleading.

When one confronts the junior Senator from Wisconsin with a deliberately misleading document, one which was intended to mislead the committee, the responses of the junior Senator from Wisconsin are never those to explain, or to say it was a mistake on his part, or that he thought it meant one thing; the Senator just turns on one and says, "You must be soft on communism." Never is there a direct rejoinder.

If the motion to appoint a committee is agreed to, I cannot imagine that the committee will be able to bring the question to an issue. There is no limit to the number of witnesses that can be requested. The junior Senator from Wisconsin can ask for 500 or 1,000. If one witness is denied him, he will say, "You are prejudiced; you are soft on communism, and you do not want to find out the truth."

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. HENNINGS. Does the Senator suggest that he may be somewhat disillusioned with the prospects of success of any committee appointed to study the phenomena relating to the activities of the junior Senator from Wisconsin? Am I to gather, too, that what we have seen thus far might be some indication of attempts in connection with the proposed investigation, here and now, even before the committee has been appointed, and conceivably premature, to dominate the method of procedure of the committee, by asking one Senator, "Will you appear?" and another Senator "Will you prove that you are either a liar or a perjurer? You must be one or the other"?

Mr. FULBRIGHT. "You must be one or the other."

Mr. HENNINGS. Can the Senator from Arkansas see that there would be any end to this Donnybrook? Are we further enlightened as to whether the hearing might be lengthened to the inordinate extent of the recent so-called Army-McCarthy hearings, by hiring able counsel, having the hearings televised, and putting on another example of what has been termed variously by some as an extravaganza, or a burlesque, or what more seriously might be called a degrading, humiliating, and shameful spectacle, reflecting upon the honor of the United States Senate and the country?

Can the Senator from Arkansas foresee that there might be a repetition of the experiences had by the previous committees? I care not how high minded or how honest or how impartial the proposed committee might undertake to be in its report to the Senate and in its trusteeship, Mr. President. Does any Member of the Senate think for a moment that the proposed committee would not encounter the same kind of difficulties that other Senate committees have encountered and have found confronting them when they undertook the discharge of the responsibility given to them, namely, to study, if not to investigate, the methods of the junior Senator from Wisconsin?

Mr. FULBRIGHT. The Senator from Missouri is absolutely correct.

In the course of 1 minute the junior Senator from Wisconsin has already threatened me with a libel suit amounting, in round numbers, to $16,000. He thinks that would bankrupt me, so I am supposed to be frightened to death.

All of us remember that the junior Senator from Wisconsin sued Senator Benton of Connecticut for $2 million. I am sure that caused Senator Benton a great deal of expense in preparing a

defense; at the least he had to retain a lawyer. But then, before the suit came to trial, the junior Senator from Wisconsin withdrew it. Why did not he pursue it to trial? But that is typical of him.

He has not even offered to deny one of these charges. He cannot deny the charge that he took $10,000 from the Lustron Co.

The report of the committee has been dismissed here very cavalierly, although it is a committee report, printed at Government expense, and was intended for the Senate, and was distributed to the Senate. It is said, "Oh, that is not a Senate document," I do not know. I suppose it is only because it is an unpleasant report. But in it there is a photostat of the check from the Lustron Corp. I saw the check or the photostat of it at our hearings.

There are 2 sets of hearings on the same matter, 1 before the RFC subcommittee, and 1 before the Subcommittee on Privileges and Elections, of which the Senator from Missouri [Mr. HENNINGS] was chairman. Both of them cover the same matter.

If the Senator from Wisconsin were at all serious, in my view he would say he did not get the $10,000.

However, I am pointing out that he has not denied the charges here. Some of them are very simple. One or two of them arose from the recent hearings. I do not know how I could prove them any more clearly. I said specifically that when I made the charge about the Lustron Corp., I was relying on the committee report. I did not make that charge out of thin air. If that report, which the clerk read into the RECORD, does not support the charge, then I simply do not understand the English language.

Mr. HENNINGS. Mr. President, will the Senator from Arkansas yield further to me?

Mr. FULBRIGHT. I yield.

Mr. HENNINGS. Apparently the Senator from Arkansas is not aware of the proprieties which, in the last 10 minutes, it has been suggested that we observe. I do not see the junior Senator from Wisconsin on the floor at this time.

Mr. FULBRIGHT. He did not have notice that I was to speak.

Mr. HENNINGS. Apparently the Senator from Arkansas did not hear the statement of the junior Senator from Wisconsin [Mr. MCCARTHY] to the effect that when Senators who are discussing the pending question intend to mention him, they should notify him each time, in advance. Does not the Senator from Arkansas believe it is his duty, under the circumstances, to notify the junior Senator from Wisconsin that he is to be mentioned in the discussion?

Mr. FULBRIGHT. He just left the floor, as he did the other day when I spoke.

Mr. HENNINGS. The Senator from Arkansas is very careless in regard to observing the protocol. [Laughter.]

Mr. FULBRIGHT. The junior Senator from Wisconsin has yet to challenge any of these allegations, and he will not challenge them, except in a place where he can control the conditions, as he did recently when he had control over the proceedings of his committee.

To return to my remarks on the way the junior Senator from Wisconsin proceeds, let us consider the Jessup case. We never got anywhere on that case, for the reason that we could not join the issue on it. The point is that if any of us challenges the testimony of the junior Senator from Wisconsin, he says we are soft on communism.

Thus, there is a series of allegations and assertions, without any chance to resolve the issue. I do not think there is the slightest chance of changing that pattern.

As I have said, there have been 4 or 5 hearings.

As Senators recall, the attempted procedure in the Subcommittee on Privileges and Elections was incomplete, because the junior Senator from Wisconsin would not appear there.

Mr. President, imagine the effrontery of this fellow, who would not appear before that committee; and yet he wants to make sure that each of us will appear before this new committee, to be cross-examined by him. What a pleasure it is even to be in the same room with this man.

I certainly do not look forward with eager anticipation to the opportunity to appear at his hearing. I state frankly that if I am told it is the pleasure of the committee that I appear there, I shall respond. However, I hope the committee will not call me, unless they think it is necessary, for it is not a duty I welcome.

I believe that, upon examination, it will be found that official documents are the source of the six allegations or specifications I made at the request of two of the leading Members on the other side of the aisle, who asked for specifications. Personally I did not think any specification was needed, because the Senate has now been regaled for 4 or 5 years with facts about this particular individual, and I thought everyone knew them by heart. But if there is any need for documentation of them, I think the source exists in official documents. I think the source of every allegation I have made is to be found in some official document—either the CONGRESSIONAL RECORD showing the speech he made on the floor of the Senate—and surely we can take notice of the CONGRESSIONAL RECORD in that connection—or the official hearings of his own committee. Several of the specifications are based on the hearings of his own committee; and surely he will not deny the correctness of the hearings of his own committee. In several cases, the specifications are based on his own statements or answers. I am sure that, as is customary, either he or his staff had an opportunity to correct the record of his committee hearings, and that the printed hearings are an accurate record of what occurred there. Of course, if he wishes to question that, that is his privilege.

I cannot see any reason why we cannot proceed with this matter here on the floor of the Senate. This is the only body in the United States, that I can think of that he would not be able to completely rout and confuse by his methods. I think he would hesitate to go as far on the floor of the Senate as he has gone in the committees—at least, as far as he has gone in the committees with which I have had experience.

I have always attempted to testify in the best of faith before the Appropriations Committee, for example. Some of the members of the committee are present at this time, and they can verify what I say. I remember that the Senator from Louisiana [Mr. ELLENDER] and other Members now present attended the hearings at which I was present, although I shall not name at this time all the members of the Appropriations Committee who were present on the occasions when I appeared before that committee. They will remember what happened. I went there with a prepared statement, ready to testify on the exchange program. What was I met with, immediately? A personal attack. The junior Senator from Wisconsin thinks it is great humor to call me "Halfbright." He uses that expression on every occasion he can, and everyone is supposed to laugh about it.

Then he proceeded to examine me about things which had no relevancy whatsoever to the matter about which I came to testify; and when I refused to cooperate with that line of questioning, he left the committee in high dudgeon, claiming that the committee and I were not cooperating.

As soon as he left the room, everything settled down, and we proceeded. I remember that the distinguished senior Senator from Michigan [Mr. FERGUSON], who now is presiding over the Senate, was chairman of the subcommittee; and as soon as the junior Senator from Wisconsin left the room, everything proceeded smoothly, and there was no further trouble. We proceeded to make a case, and that was all there was to it. I have seen that happen time and time again. So long as the junior Senator from Wisconsin was present, one could not proceed with the business of the committee. What I am stating is not just imagination at all. Many Senators have seen it.

I am interested in that kind of character as a psychological study. But I think it is doing incalculable harm to the work of the Senate. I know it has already done tremendous harm to the relations of the United States with all the rest of the world, because the people of the other countries think we have lost our minds if we are willing to follow such a leader.

Mr. HENNINGS. Mr. President, will the Senator from Arkansas yield further to me?

Mr. FULBRIGHT. I yield again to the distinguished Senator from Missouri.

Mr. HENNINGS. Since the Senator from Arkansas has said he is interested, as he put it, in that kind of character, I should like to suggest that the Senator from Arkansas would be an excellent member of the proposed committee. For my part, I should like to disavow any interest in it. The only emotion I feel with reference to the junior Senator from Wisconsin is profound and utter

tedium and boredom—as a result, I suppose, of my 3 years of service on the committee.

I trust that if the proposed committee is appointed, it will be composed of Senators who have the keen interest the Senator from Arkansas has expressed. I hope that other Senators who wish to turn their attention to other, more worthwhile things, may be excused from service on the new committee.

Mr. FULBRIGHT. I must say to the Senator that I am afraid the Chair may think I am prejudiced in the matter, and would not think I was a fit member, so I am afraid I would be excluded.

I think it might be interesting, however, as soon as I finish, or even now, to call for volunteers. I would be interested to see which six men in this body would wish to serve on this committee. [Laughter.] I think, in all fairness, that the principal proponents of this resolution to create a committee ought to volunteer their services now, and say they are willing to sit here all summer and up until next January on this committee.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to my distinguished friend from Oklahoma.

Mr. MONRONEY. I wish hastily to remark, as a veteran of investigating Senator McCARTHY's antics, that I am not rising to volunteer.

I should like to suggest that the remarks of the distinguished Senator from New York [Mr. LEHMAN] at which the majority leader seemed to take offense, to the effect that we would be here well past Christmas on this investigation, were interpreted by him to cast a reflection on the distinguished Senator from New York [Mr. IVES] on the Republican side, and on the majority leader. That, I am sure, is not the case.

Those who think we shall be able to finish with this case in a week, or 2 weeks, or 2 months, or 6 months, are the world's greatest optimists. Speaking as a man who has had 2 years of this experience, I can only say that if we intend to conduct the kind of investigation that will be satisfactory to the junior Senator from Wisconsin—and make no mistake about it, we shall be absolutely unable to make it satisfactory to him unless he runs the committee—we shall find that the committee members, no matter who is chosen to serve, no matter how much dignity or how much prestige they have, will be suddenly found to be coddling Communists, soft on communism, attempting to destroy the valued work of the great junior Senator from Wisconsin.

So I think we are merely perpetuating a difficulty in trying to pass the case on in the hope that someone will find the merit and be able to render justice, so the junior Senator from Wisconsin will find no further complaint.

The only time he will find no further complaint is when we make him the great McCARTHY who runs all our great campaigns to eradicate internal subversion and communism, even though the FBI, the world's greatest internal-security organization, has spent $540 million, more than a half billion, since 1947, more than $400 million of which was given by that party of treason, those 21 years or 20 years of treason—the junior Senator from Wisconsin made it 21 the other day to make it bipartisan [laughter]—that party of treason that started out to give $400 million—and, I will say, the distinguished President has added enough money to make it $548 million—and yet the distinguished junior Senator from Wisconsin will not be satisfied unless we say, "You are the champion of all Communist hunters in the wide, wide world, Senator McCARTHY. You can find the Communists and you can protect and save this Nation with $225,000."

J. Edgar Hoover must be a sap. He requires $548 million to protect this country. No; I think we are perpetuating a hoax on the United States of America and our people when we allow, through the official acts of the Senate, the perpetuation of that kind of false thinking.

So I do not see how we can improve on the known facts. There is sworn evidence in the committee hearings—no one denies that—that the junior Senator from Wisconsin wrote the article for the Lustron housing booklet and got $10,000 therefore.

No one denies the speech he made on the floor of the Senate about Gen. George C. Marshall, accusing him of subversive infamy so black that when the truth is finally known it will dwarf all previous conspiracies, or words to that effect. Those words are in the RECORD.

What are we asked to do? The Democratic policy committee took no action in deciding what to instruct the Democrats to do. They said they would leave it to the consciences of the Members.

Are we to be asked to refer our consciences to a committee to determine whether it was ethically wrong to do some of these things, to a committee of six men, no matter who they are, to pass down from on high our ideas and our ideals of ethics? No. I think the Senate floor is the proper place to bring our bill of particulars, to have our Committee of the Whole, to appoint the defense counsel, if you wish, although the junior Senator from Wisconsin seems to have some 10 or 20 pretty able counsels and is an able counsel himself. He has freedom of speech in the greatest legislative body in the world where he can talk at length to the whole 160 million people of America, and the wire services and the radio will carry his words to the farthest reaches of this land.

I do not think now is the time for any of us to pass this on, even in the hope that this case will go away and not bother us any longer, just so long as we have in our possession a precious committee report, unanimous, I presume—or so someone thinks—findings of fact that will be satisfactory to the junior Senator from Wisconsin, as well as to all those others who do not approve of his being the voice of Senators from other States.

My own principal objection is that the Senator is my agent as an official of the United States Government. I think that is the reason why we have a right to criticize, why we have a right to say to an employee, "We do not like the kind of work you are doing; we do not like the kind of job you are doing; we think you have flopped and fizzled in every way possible, brought the Senate into disrepute and disrespect, destroyed our standing around the world with our friendly allies, and destroyed the very agency that this Nation must depend on to win the cold war against communism."

What about the Central Intelligence Agency, the most vital single office of this country to find out what is going on behind the Iron Curtain? Twice the Senator from Wisconsin has proposed to have a public investigation, in a McCarthy manner, of this highly supersensitive agency. If one single operative of the Central Intelligence Agency were subpenaed by the committee of the junior Senator from Wisconsin, our sources of information around the world would dry up and never could be reestablished.

We have seen a shambles made of that great career organization, the State Department, the Voice of America, when it should have been strong, determined, and factual at the time of the death of Premier Stalin, was suffering from a case of shellshock from Cohn and Schine as they marched ruthlessly across the friendly nations of Europe, enjoying and demanding more attention, more consideration, and greater prerogatives than the majority leader or the minority leader of this great body would ever have thought of demanding.

The Army has just come back with bloody wounds and one hundred thousand-some-odd causualties from fighting the Red Communists in the hills of Korea. It is being pilloried for being soft on communism and coddling Communists. It is sought to discredit great generals. Great Secretaries of the Army have been forced to knuckle under to the strange power that has grown up in the United States Senate, and forced, because of fear of destroying the great reputation of the wonderful body of men who wear the uniform of the United States, to take orders from the clerks of a committee of the United States Senate.

I say to you that this is on the conscience of the United States Senate, and it cannot be passed on, no matter how we wish it, to six men, no matter who they are.

Mr. FULBRIGHT. Mr. President, I appreciate very much the contribution of the Senator from Oklahoma [Mr. MONRONEY], and I wish to associate myself with his statements.

Mr. President, that is about all I have to say. I think the Senate is making one of the greatest mistakes that it will ever have made in assigning this to a committee without the slightest hope, I think, of resolving this question.

As I said a moment ago, I cannot believe that it can be any more successful in reaching a conclusion which can be passed upon here than those which have already handled these matters.

Therefore, I shall feel constrained to vote against the motion to refer to a special committee, and I regret very much that the leadership has seen fit to prevent a straight vote upon the amendments to the resolution offered by the Senator from Arkansas.

Mr. CAPEHART. Mr. President, I wish to take about 5 minutes.

We in the United States Senate tonight have the American people very, very much confused. When I came to the United States Senate on January 3, 1945, if anyone had stood up on the floor of the United States Senate at that time and said an unkind word about Communist Russia he would have almost been tried for treason. The Russians were our allies. We were talking about them as being great, brave people. We were spending billions of dollars helping them.

At that time we were discussing and "cussing" the Nazis, the Germans. They were terrible people. When the war ended we tried the German leaders for the war crimes, and we put many of them to death.

Then in 1947, or perhaps 1948, when the President of the United States, Mr. Truman, sent a message to the United States Congress in which he asked for $500 million to stop communism in Greece and Turkey, the Congress of the United States voted him the money.

From that time on in the United States and in the Congress we have been spending billions of dollars to stop communism. In practically every bill we have passed since that day we have said we were doing so in order to stop communism. We went to war in Korea to stop communism. We suffered 150,000 casualties to stop communism.

There is not a Senator on this floor who has not made a speech against communism, stating how terrible it is and how it will destroy the world.

Yet we have one man in the United States Senate by the name of McCARTHY, from Wisconsin, who has tried to do something about communism. I will admit that his methods have not always been the methods I would have used. I will admit I have blown hot and cold in my likes and dislikes with respect to this Senator. I think he has made many mistakes. He has said things and done things I would not have said or done.

I think that possibly is true of every other Senator, but I say to Senators that we have the American people confused, when we ask them to spend billions of dollars to stop communism, when we send an army into Korea and suffer 150,000 casualties, and then talk about washing out—that is what we are talking about—the one man in the United States, or one man in the United States, who has been fighting or trying to fight communism at home.

I say to Senators, if we are going to wash this man out we had better find a substitute for him. I said a moment ago that there have been many times when I did not like his methods, but if we are to wash him out we had better find a substitute for him. If we are simply to wash him out on the ground that he has been a little too rough, a little too tough with Communists and Communist agitators in the United States, we had better think twice.

We had better look to the American people, because they are not going to stand still for this washing out of one man who has tried to do something about Communists without some sort of substitute being offered. Believe me when I say that. Believe me when I say the American people are divided over this issue.

Any man can go anywhere in the United States—I care not where he goes—and if there are six people, more or less, gathered together and the subject of McCARTHY or McCarthyism is brought up, he will find those people will take sides, and before it is over the division will be very, very bitter.

I do not know what percentage of the people of the United States are for or against this Senator. But I do know this: The American people are confused. They cannot understand the President of the United States, they cannot understand the Senate of the United States, they cannot understand individual Senators, and they cannot understand people who will say to them, "We are going to take billions and billions of American dollars to fight communism; we are going to take American boys and we are going to put them into battle to fight communism."

Then we stand on the floor of the United States Senate and make speeches and condemn the one man who the American people think is trying to do something about communism in the United States. Now, the American people are not going to stand for that, whether they are dealing with Republicans or whether they are dealing with Democrats. Some substitute is necessary.

Perhaps this Senator should be washed out. Perhaps his efforts have been all wrong. But I say to Senators that unless we are careful we shall prolong and prolong and agitate and agitate, and split the American people right down the middle.

What we had better do here tonight is to table this whole business and let the committee of which the junior Senator from Wisconsin is chairman take this matter up back in the committee rooms, adopting some rules and regulations which will control this Senator if he needs controlling. The committee has the power and has the authority to do it.

I say we are dividing the American people. I say we are doing an injustice to the American people. I say to the Senate: There sits the junior Senator from Wisconsin. He has been in the United States Senate 8 years. He is a little Senator, as I am a little Senator. We are all little Senators in our own right. We are only strong when there are 96 of us.

The junior Senator from Wisconsin has been built up, not because of himself but because he was fighting communism, right or wrong. The thing which has built the junior Senator from Wisconsin up has not been what he said or what he did not say but the fact that the President of the United States, Mr. Truman, fought him. Do not say he did not. He did. He fought his methods. Perhaps his methods were wrong. The Secretary of State, Mr. Acheson, fought him. The Army recently fought him. Other people have fought him.

It has been the people who have fought the junior Senator from Wisconsin who have made news and put him on the radio and put him on television; and now the United States Senate is fighting him, making him bigger and bigger and bigger and giving him more publicity. What we ought to do is forget him; permit him to go on with his committee, and have his committee members get together and adopt rules and regulations. Everybody in the Government should become enthusiastic about rooting out subversive individuals in the United States and those who are Communist minded. Do not say there are not many of them, and do not say we have not found many of them. I do not know whether McCARTHY has been responsible for it or not, and I do not care. I do not know whether he has had any convictions or whether he has not, and I do not care.

I know that certain individuals have been convicted. I know there must be many of them in the United States. The American people are not very happy over the idea that billions of dollars are being taken from them, that their boys are being put in uniform and sent all around the world, that they are losing their lives fighting communism, and that we are a little afraid to let somebody fight it in the United States with his bare fists.

We are doing an injustice to the American people and to the world. I am not thinking in terms of the junior Senator from Wisconsin. I do not care what happens to the junior Senator from Wisconsin, but I do care what happens to the American people and the American Government. The spectacle of the 36-day Army-McCarthy hearing, televised every day, built up hatred among the people of the United States. It developed to the point that neighbors were fighting each other. One could not attend a meeting, as I said a moment ago, of half a dozen people without almost getting into fist fights. We are now carrying on the fight in the great United States Senate. Tonight we are promoting the same sort of thing. We are about to appoint a committee. I suppose the proceedings of that committee will be televised and will continue for many days. If we carry this thing on we shall further incite the American people to division. I am pleading with my colleagues not to confuse the American people.

I am not taking the side of the Senator from Wisconsin. On that subject I have blown both hot and cold. There have been times when, if I could have gotten hold of him, I think I would have thrown him out. There have been other times when I thought, "by golly, there is a great guy." I think that has been the experience of almost all of us.

I am pleading with Senators. It seems to me that the majority of us want to refer this problem to a committee. I shall vote to do so, because I think the majority of us want it that way, but I am pleading with Senators that that is not the way to do it.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. CAPEHART. I am pleading with my colleagues that that is not the way to do it, but I am not going to make an issue of it. Settle this matter, table this resolution, or send it to the committee. I am amazed that 13 or 15 Senators come

on the floor of the United States Senate and admit that they cannot control one little JOE MCCARTHY, from Wisconsin.

I have listened to the 36 points cited by the able Senator from Vermont [Mr. FLANDERS], the 6 points by the able Senator from Arkansas [Mr. FULBRIGHT], and the 6 or 7 points by the able Senator from Oregon [Mr. MORSE]. There is nothing new in any of them.

For example, much has been made about the motion by the able Senator from Arkansas [Mr. FULBRIGHT] with respect to the $10,000 payment by Lustron to the junior Senator from Wisconsin. We brought that out back in 1950. I was on the RFC Committee. It was discussed. I hold in my hand every report ever issued by that committee, headed by the able Senator from Arkansas [Mr. FULBRIGHT]. There was not a single report in which the name of the Senator from Wisconsin was mentioned.

Senators on the other side of the aisle had the control of the Congress in those days, and there was not sufficient information brought out in our hearings to warrant even the mention of MCCARTHY'S name.

All the items in these bills of particulars are old. We have listened to them over and over. They have been in the newspapers time and time again. Frankly, I do not know whether they are true or not. They sound to me a little like gossip. Some of them may be partially true; some of them may be wholly true. That is not my point. My point is that the American people are divided and confused, and we are not doing the American people a favor when we prolong this fight.

It is the responsibility of the majority leader and the minority leader if they wish to table this matter or if they wish to go on with a committee, but my colleagues are making a grave mistake. They are further building up the gentleman. They are further building up this matter, because the American people are not satisfied that out of one corner of our mouths we can say, "We want billions and billions and billions to stop communism. We are going to send your boys all over the world. You have already lost 150,000 of them. You may have a third world war"; and on the other hand say, "We do not like MCCARTHY because he is a little too rough and a little too tough with these so-called Communists."

We ought to table this whole matter and we ought to get on with the business of the Senate; and the committee of which the junior Senator from Wisconsin is the chairman ought to handle it.

INVESTIGATIVE POWER OF THE SENATE ON TRIAL

Mr. MALONE. Mr. President, will the Senator from Indiana yield?

Mr. CAPEHART. I yield.

Mr. MALONE. I agree with the Senator from Indiana [Mr. CAPEHART] that it is the investigative power of the Senate that is on trial, not JOE MCCARTHY. If he will make a motion to table this accusation or resolution of censure which has been filed without specific charges, I will guarantee him one vote. That is all I can guarantee.

Mr. CAPEHART. I am not going against the wishes of the majority and minority leaders on this matter. I believe we are making a mistake. I wish to leave with my colleagues this word: Remember, we are not going to satisfy the American people by continuing this turmoil.

Mr. COOPER. I know the Senate is anxious to vote, but I ask your indulgence for a few minutes.

I would not say anything at all this evening if it had not been for the remarks of the junior Senator from Wisconsin [Mr. MCCARTHY]. He referred to the short speech that I made on Saturday afternoon.

I would like to say in response that I knew the order of business was the motion of Senator FLANDERS. The majority leader had asked all Members of the Senate to be present during the debate. I assumed, of course, that the subject of the motion, Senator MCCARTHY, would be present. If I was wrong in not notifying him that I was going to speak briefly, I regret it.

He spoke further of scurrilous remarks. Those who were here when I spoke will remember that I said at the beginning of my remarks that nothing I would say concerned the personal conduct of the junior Senator from Wisconsin [Mr. MCCARTHY] and that my support of the motion was not based on any action outside of his conduct of investigations as chairman of the Committee on Government Operations.

I speak in great deference to the older Members of this body, and to their knowledge, which has come from their service and their experience. In my year and a half of service here I had said nothing until a few months ago about the conduct of investigations by the junior Senator from Wisconsin. But it was my judgment, finally, that in the conduct of investigations, the chairman of the committee, Senator MCCARTHY was abusing and extending his powers granted by the Senate and that he was heedless of the rights of individuals.

It was my decision, whether I was to be here for a few weeks or a year or 2 years. I did not want to approve by silence what I thought was wrong. I then said that if a motion of the character we are considering should be introduced, I would support it. When I made the statement I was thinking of the substance of the problem, and I did not think of procedural questions.

I now desire to address myself, for a minute or two, to the procedural matter which is before the Senate, because I am deeply moved and impressed by the arguments which have been made, to refer the matter to a committee. They appeal to the questions of orderly procedure, of due process, and of justice to an individual charged with wrongful conduct.

Those were the same interests which had led me to speak and to say that I would support the motion, because I had come to the belief that in the conduct of his committee, the junior Senator from Wisconsin did not observe orderly procedures proper to a hearing; that we had evidenced a heedlessness of individual rights; and that a deterioration of the process of justice must be a consequence.

What is justice? Justice is not justice by form or procedure. Justice is justice in substance. Again, I speak with deference to those who know the precedents of the Senate. But I suggest that justice can be done in this matter in several ways. Justice could be done by a submission of this matter to a committee, as proposed, if action ever follows that submission and the Senate is permitted a decision. But if action never follows, there is no decision. There is no decision to speak to the obligation to the Senate as well as to the junior Senator from Wisconsin. This would not be justice in substance, but a hollow form.

Another alternative has been suggested by the Senator from Arkansas. There are specifications before the Senate. If the junior Senator from Wisconsin does not deny them, then certainly the Members of the Senate can make their own judgment in this forum, in conscience, as to whether or not they are sufficient to justify censure.

If the junior Senator from Wisconsin admits the specifications but says he does not think they deserve censure, then, it seems to me, as in the case of former Senator Bingham, of Connecticut, it becomes a question of the judgment of the Senate as to whether the specifications deserve censure.

If the junior Senator from Wisconsin says he needs to be heard before the committee, that he needs to have witnesses brought before the committee, and that he wants to present proof to deny the charges or to explain them, and that he cannot explain them, then, I think, in conscience he should have the opportunity in committee. He has not asked that.

In these circumstances, I shall vote against the motion. If it should be defeated, the junior Senator from Wisconsin can then be heard on the Senate floor. If he says that he needs more time, that he needs to be heard, alone or with witnesses, then a reference to a committee would be proper, and I would support it.

I can only speak for myself. This course I believe would do justice in form and justice in substance. It is a justice which will speak for the Senate as well as for the junior Senator from Wisconsin.

Mr. President, I desired to make this brief statement in order to explain my position against the motion.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California, as modified.

Mr. ANDERSON. Mr. President, may the motion as modified be stated?

The PRESIDING OFFICER. The clerk will state the motion as modified.

The Chief Clerk read as follows:

I move to refer the pending resolution (S. Res. 301) together with all amendments proposed thereto, to a select committee to be composed of 3 Republicans and 3 Democrats, who shall be named by the Vice President; and ordered further, that the committee shall be authorized to hold hearings, to sit and to act at such times and places

during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable, and that the committee be instructed to act and to make a report to this body prior to the adjournment sine die of the Senate in the 2d session of the 83d Congress.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCARTHY (when his name was called). I vote "present."

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. SCHOEPPEL] is absent by leave of the Senate. The Senator from New Jersey [Mr. SMITH] is absent by leave of the Senate at the request of the President of the United States. The senior Senator from Nebraska [Mrs. BOWRING] and the junior Senator from Nebraska [Mr. REYNOLDS] are necessarily absent.

If present and voting, the senior Senator from Nebraska [Mrs. BOWRING], the junior Senator from Nebraska [Mr. REYNOLDS], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from New Jersey [Mr. SMITH] would each vote "yea."

Mr. CLEMENTS. Mr. President, I desire to make an announcement on behalf of the junior Senator from West Virginia [Mr. NEELY]. The Senator from West Virginia remained in the Chamber until a short while ago in the hope that he could record his vote on the pending motion. Because of the fact that a primary election is to be held in the State of West Virginia on tomorrow, it was necessary for the Senator from West Virginia to leave before the vote was taken. The Senator from West Virginia requests me to announce that if he were present, he would vote "yea."

I desire to announce further that the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The result was announced—yeas 75, nays 12, voting "present" 1, not voting 8.

YEAS—75

Aiken	Gillette	Maybank
Anderson	Goldwater	McCarran
Barrett	Gore	McClellan
Beall	Green	Millikin
Bennett	Hayden	Morse
Bricker	Hendrickson	Mundt
Bridges	Hickenlooper	Murray
Burke	Holland	Pastore
Bush	Ives	Payne
Butler	Jackson	Potter
Byrd	Jenner	Purtell
Capehart	Johnson, Colo.	Robertson
Carlson	Johnson, Tex.	Russell
Case	Johnston, S. C.	Saltonstall
Clements	Kennedy	Smathers
Cordon	Kerr	Smith, Maine
Crippa	Kilgore	Stennis
Daniel	Knowland	Symington
Dirksen	Kuchel	Thye
Dworshak	Langer	Upton
Ellender	Lennon	Watkins
Ervin	Long	Welker
Ferguson	Malone	Wiley
Frear	Mansfield	Williams
George	Martin	Young

NAYS—12

Chavez	Flanders	Humphrey
Cooper	Fulbright	Lehman
Douglas	Hennings	Magnuson
Duff	Hill	Monroney

VOTING "PRESENT"—1

McCarthy

NOT VOTING—8

Bowring	Neely	Smith, N. J.
Eastland	Reynolds	Sparkman
Kefauver	Schoeppel	

So, Mr. KNOWLAND's motion, as modified, was agreed to.

Mr. MORSE subsequently said: Mr. President, it had been my plan to make a speech today, documenting and supporting the bill of particulars I have filed in the case of the McCarthy controversy. However, in view of the fact that the motion, which I believe to be a sound one, to refer the matter to a select committee has been agreed to, I shall reserve for presentation to that committee the materials which otherwise I would have presented to the Senate in the course of a speech.

There are three items which I could have presented in my speech, and which I wish to have incorporated in the CONGRESSIONAL RECORD, for future reference by Senators.

First, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, what I believe to be one of the best editorials I have read on the McCarthy issue before the Senate. The editorial appeared in a recent issue of the Christian Science Monitor, and is entitled "Let the Senate Answer."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET THE SENATE ANSWER

Senatorial investigators often demand yes or no answers from citizens summoned to testify. Today the Senate itself—and every individual Senator—is being required to answer a few simple questions:

1. Are you responsible for the actions of committees authorized by you to make investigations?

2. Will you fulfill that responsibility by reprimanding abuse of such authority?

3. Will you apply to your own Members the same rules of contempt—for refusing to answer a committee—that you do to ordinary citizens?

4. Should these acts be censured: Encouraging the breaking of law; exploiting senatorial office for private gain; recklessly blackening the reputations of innocent citizens and hiding behind senatorial immunity; attempting to purge Members who dare to differ on methods; repeatedly resorting to misrepresentation and slander?

5. Have you the courage to stand up and be counted on this issue involving the honor, moral integrity, and responsibility of the United States Senate?

Yes or no?

Senators who answer those questions in the affirmative will not try to shelve the Flanders resolution with flimsy excuses that it is untimely, that any vote on it may damage them politically, or that the issue is not clear. The issue is very clear. It does not involve either partisanship or a man's attitude toward communism. Nor does it require animosity toward any person; it is a simple matter of censuring actions which bring the Senate into disrepute.

Let the Senate answer.

Mr. MORSE. Mr. President, immediately following the editorial to which I have just referred, I ask unanimous consent to have printed in the RECORD a copy of a study entitled "Senate Election Cases, 1789–1951." The study was prepared by William R. Tansill, of the Government Division of the Legislative Reference Service of the Library of Congress.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SENATE ELECTION CASES, 1789–1951, CONTAINING (1) LIST OF SENATORS SINCE 1789 WHOSE SEATS HAVE BEEN CONTESTED; (2) LIST OF SENATE EXPULSION CASES SINCE 1789; (3) STATISTICS ON SENATE ELECTION CASES

(By William R. Tansill, Government Section, August 21, 1951)

LIST OF SENATORS SINCE 1789 WHOSE SEATS HAVE BEEN CONTESTED, WITH BRIEF DIGESTS OF THE MORE IMPORTANT CASES

1. Albert Gallatin, Pennsylvania (1793–94): Senator from December 2, 1793, to February 28, 1794; on the latter date he was unseated, as he had not been an American citizen at least 9 years.

2. Kensey Johns, of Delaware (1794): Appointed Senator on March 19, 1794, but admission rejected on March 28, 1794.

3. Humphrey Marshall, of Kentucky (1796): Senator from March 4, 1795, to March 4, 1801. Senate, on March 22, 1796, sustained him in office.

4. William Blount and William Cooke, of Tennessee (1796): Admission of both to Senate rejected on June 1, 1796. But both gentlemen were again elected to the Senate on August 2, 1796, and were allowed to take their seats on December 6, 1796.

5. Uriah Tracy, of Connecticut (1801): Senator from December 6, 1796, till his death, July 19, 1807. Senate sustained him on March 4, 1801, after validity of his seat had been questioned.

6. Samuel Smith, of Maryland (1809): Senator from March 4, 1803, to March 3, 1815, and from December 17, 1822, to March 3, 1833. Senate, on June 6, 1809, sustained him in his seat.

7. Stanley Griswold, of Ohio (1809): Senator from June 2 to December 11, 1809. Senate sustained him on June 15, 1809.

8. Jesse Bledsoe, of Kentucky (1815): Senator from March 4, 1813, to December 24, 1814. Senate on January 20, 1815, decided that his resignation, expressed in letter to governor prior to December 24, 1814, and to be effective on the latter date, was valid.

9. James Lanman, of Connecticut (1825): Senator from March 4, 1819, to March 3, 1825. Senate, on March 7, 1825, refused to permit him to continue in office for another term.

10. Ephraim Bateman, of New Jersey (1827–28); Senator from December 7, 1826, till January 12, 1829, when he resigned. Senate, on May 22, 1828, declared that he had been duly elected to a second term.

11. Elisha R. Potter v. Asher Robbins, of Rhode Island (1833–34): Senate on May 27, 1834, declared that Robbins was entitled to retain his seat.

12. Ambrose H. Sevier, of Arkansas (1836–37): Senator from December 5, 1836, to March 4, 1837, and from March 8, 1837, till he resigned, March 15, 1848. Senate on March 8, 1837, resolved that he was entitled to a seat.

13. John M. Niles, of Connecticut (1844): Senator from December 21, 1835, till March 3, 1839, and from May 16, 1844, till March 3, 1849. Senate on May 16, 1844, agreed that he was of sound mind and consequently entitled to his seat.

14. James Shields, of Illinois (1849): Senator from March 6, 1849, till March 15, 1849, and from December 3, 1849, till March 3, 1855. Senate, on March 15, 1849, declared that he was not entitled to his seat as he had not been naturalized long enough. Shields was afterward elected for the same term, and was admitted to the Senate.

15. Robert C. Winthrop, of Massachusetts (1851); Senator from July 30, 1850, to February 7, 1851. Winthrop, appointed by the

governor to fill a vacancy, vacated his seat February 7, 1851, at which time Robert Rantoul, who had been elected by the legislature to fill the same vacancy, presented his credentials before the Senate, which body accepted him.

16. David L. Yulee v. Stephen R. Mallory, of Florida (1851–52): Senate, on August 27, 1852, resolved that Mallory, not Yulee, had been duly elected. Mallory had taken the oath on December 1, 1851.

17. Archibald Dixon, of Kentucky (1852–53): Senate on December 20, 1852, resolved that Dixon, not David Meriwether, was entitled to a seat in the Senate. On December 15, 1851, Henry Clay informed the Kentucky legislature that he was resigning his seat in the United States Senate, to take effect on the first Monday in September, 1852. On December 30, 1851, the Kentucky legislature elected Archibald Dixon to fill that unexpired term. On June 29, 1852, during the recess of the legislature, Clay died. The governor therefore, on July 6, appointed David Meriwether Senator until Clay's resignation should take effect. Meriwether was permitted to take his seat on July 15, and held it until Congress adjourned, August 31. When Congress reassembled on December 6, Meriwether did not appear. Dixon, however, presented both himself and his credentials. Objection was immediately made that Meriwether had been appointed to fill a vacancy occasioned by the death of a Senator; that he had a right to the seat until the next meeting of the legislature; and that the governor had not enjoyed the power to limit Meriwether's term to the first Monday in September, 1852. The seat was vacant until December 20, when the Senate by a vote of 27 yeas to 16 nays decided that Dixon had been duly elected.

18. Samuel S. Phelps, of Vermont (1853–54): Senator from March 4, 1839, to March 3, 1851, and from January 19, 1853, to March 17, 1854. Senate on March 16, 1854, resolved that he was not entitled to retain his seat.

19. Jared W. Williams, of New Hampshire (1854–54): Senator from December 12, 1853, to August 4, 1854. Senate on August 4, 1854, resolved that he could not retain his seat.

20. Lyman Trumbull, of Illinois (1855–56): Senator from March 4, 1855, to March 3, 1873. Senate on March 1856, sustained him in his seat.

21. James Harlan, of Iowa (1855–57): Senator from March 4, 1855, to January 12, 1857, and from January 29, 1857, until March 15, 1865, when he resigned. Senate on January 12, 1857, resolved that his seat should be vacated on the ground that his election by the Iowa Legislature had not been a valid one. On December 13, 1854, the Legislature of Iowa met in joint convention in the hall of the house of representatives in order to elect a United States Senator for the term beginning March 4, 1855. After a number of ineffectual ballots and adjournments the two houses met on January 5, 1855, only to adjourn to 10 o'clock of the next day. Following the adjournment of the joint convention of January 5, the senate returned to its own chamber and adjourned the same hour to 10 o'clock January 6. Upon meeting in its own chamber on January 6, the senate immediately adjourned until 9 o'clock January 8. The senate, consequently, was not in session after 10 o'clock on January 6, and did not proceed as a body to the house chamber, though certain members of the senate did attend what was supposed to be a joint session. The body which met comprised, therefore, a majority of the house and a minority of the members of the senate; together, the attendants constituted a majority of the members of the joint convention. In the ensuing ballot Mr. Harlan received 52 votes (52 being a majority of the members of the joint convention), and was declared duly elected. But the Senate of Iowa sent resolutions to the United States Senate asserting that the election was invalid. Harlan was given his seat on December 3, 1855, the opening of Congress for the term for which he was elected. On December 15, 1856, the matter was referred to the Judiciary Committee. On January 5, 1857, the committee submitted a resolution that Harlan's seat be declared vacant; a resolution which passed the United States Senate January 12, 1857, by a 28–18 vote. The issue before the National Senate was whether the group which elected Harlan was the Legislature of Iowa within the meaning of the National Constitution; whether the presence of the senate as a body was required for the election to be valid, or whether a majority of the individual members of the convention constituted the legislature even if the senate as a body was not present, nor even a majority of the members comprising the senate. Following his unseating, as of January 12, 1857, Harlan was reelected, and on January 29, 1857, resumed his seat.

22. Graham N. Fitch and Jesse D. Bright v. Henry S. Land and William Monroe McCarty, of Indiana (1857–59): Senate on February 14, 1859, resolved that Fitch and Bright were entitled to their seats.

23. Simon Cameron, of Pennsylvania (1857): Senator from March 17, 1845, till March 3, 1849; from March 4, 1857, till he resigned in March 1861; and from March 4, 1867, till he resigned in March 1877. Senate on March 13, 1857, sustained him in his seat.

24. James Shields, of Minnesota (1858): Senator from May 12, 1858, till March 3, 1859. Shields had attempted to acquire a seat before a bill for the admission of Minnesota into statehood had been enacted into law but was forced to wait until May 12, 1858, 1 day after the bill was approved.

25. Waitman T. Willey and John S. Carlile, of Virginia (1861): These Union men from Virginia were granted admission to the Senate on July 13, 1861, even though there was no "regular" State government in Virginia.

26. Frederic P. Stanton v. James N. Lane, of Kansas (1861–62): Senate, on January 16, 1862, resolved that Lane was entitled to retain his seat.

27. Benjamin Stark, of Oregon (1862): Senator from February 27, 1862, till September 13, 1862. Senate, on June 6, 1862, sustained him in his seat.

28. William M. Fishback, Elisha Baxter, and William D. Snow, of Arkansas (1864–65): Senate, on June 29, 1864, refused to admit Fishback and Baxter. On February 26, 1866, Senate ordered that Snow's credentials be laid on the table; no further action was taken.

29. R. King Cutler, Charles Smith, and Michael Hahn, of Louisiana (1864–65): Senate, on February 18, 1865, debated admission of Cutler and Smith but took no action; the two men consequently were denied seats. On March 9, 1865, Senate postponed action on Hahn's case. He was never admitted.

30. Joseph Segar and John C. Underwood, of Virginia (1865–84): Senate, on February 17, 1865, ordered Segar's credentials to be laid on the table. On March 9, 1865, Senate ordered that consideration of the credentials of both Segar and Underwood be postponed. No further action was taken.

31. John P. Stockton, of New Jersey (1865–66): Senator from March 4, 1865, till March 27, 1866, and from March 4, 1869, till March 3, 1875. Senate, on March 27, 1866, passed resolution that his seat be declared vacant. Stockton took his seat on December 4, 1865; at the same time a memorial from the New Jersey Legislature protesting against his admission was presented and ordered to lie on the table. On January 30, 1866, the Committee on the Judiciary, to which body the credentials of Mr. Stockton, as well as the memorial, were presented, reported the background of the election. The joint meeting of the legislature which elected Stockton previously passed a resolution that the candidate receiving a plurality of votes of the members present should be declared duly elected. All members of the joint assembly, which consisted of 81 members, were present when the vote for Senator was held. Stockton received 40 votes, while the other candidates were given a total of 41 votes. The main question before the National Senate was whether a joint convention could prescribe an election by plurality, rather than majority vote. The Committee on the Judiciary, in its report to the United States Senate, maintained that for the purpose of electing Senators the joint convention of a State legislature was the legislature; consequently, it enjoyed the power, under the Constitution, to prescribe the mode of electing Senators. The committee therefore recommended that Stockton be declared entitled to his seat. Some Senators, however, held that in the absence of any law (there was no law in New Jersey prescribing the procedure of senatorial election, other than the stipulation that they should be elected in joint convention of the State legislature) a majority was by the parliamentary law of the land necessary to make an election valid, and that the legislature alone, acting in a legislative capacity through its two houses separately, was competent to order an election by a plurality vote. On March 23, 1866, the Senate of the United States approved the committee's resolution that Stockton be confirmed in his seat; the vote was 22 yeas to 21 nays, with Stockton himself voting. Three days later the Senate voted to reconsider the vote on the resolution, at which time it barred Stockton from participating in the final balloting as to whether or not he was to keep his seat. The next day, March 27, 1866, the Senate, by a vote of 23 yeas to 20 nays, held that Stockton was not entitled to his seat. Like Albert Gallatin, James Shields, and James Harlan, Stockton was, in effect, expelled from the Senate, after he had been seated, by a majority, rather than a two-thirds, vote.

32. David T. Patterson, of Tennessee (1866): Senator from July 28, 1866, to March 3, 1869. Senate, on July 27, 1866, voted to seat him.

33. Philip F. Thomas, of Maryland (1867–68): Senate, on February 20, 1868, resolved to debar him.

34. John T. Jones, Augustus N. Garland, V. Alexander McDonald, Benjamin F. Rice, of Arkansas (1868): Senate, on June 23, 1868, decided that Rice and McDonald should be given seats.

35. William Marvin v. Thomas W. Osborn, of Florida (1868): Senate, on June 30, 1868, voted to seat Osborn.

36. Joshua Hill, N. V. M. Miller v. Richard N. Whiteley, Henry P. Farrow, of Georgia (1868–71): Senate, on February 1, 1871, voted to seat Hill; on February 24, 1871, the Vice President administered the oath of office to Miller, after the latter had sworn to a special oath of loyalty.

37. H. R. Revels, of Mississippi (1870): Senator from February 25, 1870, till March 3, 1871. Senate admitted him to membership on February 25, 1870.

38. Adelbert Ames, of Mississippi (1870): Senator from April 1, 1870, till he resigned in 1874. Senate seated him on April 1, 1870.

39. Ossian B. Hart v. Abijah Gilbert, of Florida (1870): Senate on April 28, 1870, agreed that Gilbert be permited to retain his seat, which he had held since March 4, 1869.

40. Joseph J. Reynolds v. Morgan C. Hamilton, of Texas (1870–71): Senate on March 18, 1871, agreed that Hamilton should be given a seat.

41. Thomas M. Norwood v. Foster Blodgett, of Georgia (1871–72): Senate, on December 19, 1871, agreed to the seating of Norwood.

42. George Goldthwaite, of Alabama (1871–72): Senator from January 15, 1872, till

March 3, 1877. Senate, on January 15, 1872, permitted Goldthwaite to take his seat.

43. Matt W. Ransom v. Joseph C. Abbott, of North Carolina (1871–72): Senate, on April 23, 1872, resolved that Abbott was not entitled to a seat. On April 24, 1872, Senate admitted Ransom.

44. Powell Clayton, of Arkansas (1872–73): Senator from March 25, 1871, till March 3, 1877. Senate, on March 3, 1873, absolved Clayton of corruption charges, and declared him entitled to retain his seat.

45. S. C. Pomeroy and Alexander Caldwell, of Kansas (1872–73): After serving since March 4, 1871, Caldwell, on March 24, 1873, resigned—while under fire of corruption charges. Pomeroy was subjected to the same kind of charges but was cleared on June 3, 1872, of blame incident to the election of 1867, and likewise exonerated on March 3, 1873, of charges arising out of his unsuccessful election campaign in 1873. Pomeroy served from April 4, 1861, to March 3, 1873.

46. The Louisiana cases (1873–80)—John Ray v. William L. McMillen; William L. McMillen v. Pinckney S. B. Pinchback (Robert H. Marr and James B. Eustis); and Henry M. Spofford v. William P. Kellogg (Manning): One Louisiana legislature elected Ray while another, rival, Louisiana legislature elected McMillen. In February 1873, both Ray and McMillen were denied admission to a seat for the term expiring March 3, 1873, on the ground of fraudulent election. The legislature which had elected McMillen for the unexpired term ending March 3, 1873, elected him for the succeeding term, while the legislature which had elected Ray elected Pinckney B. S. Pinchback for the succeeding term. On March 5, 1875, Pinchback's credentials were laid on the table. Three days later they were again taken up for debate, which discussion continued through March 16, 1875, at which time further debate was postponed until the following December. On December 15, 1875, the Senate permitted McMillen to withdraw his own credentials. Five days later, the credentials of Robert H. Marr, appointed by John McEnery (one of the rival governors) to fill the vacancy occasioned by McMillen's resignation, were presented and ordered to lie on the table. On January 18, 1876, the credentials of James B. Eustis, elected by the legislature to the contested seat, were presented and ordered to lie on the table. On March 8, 1876 the Senate resolved that Pinchback not be admitted. On December 10 of the next year the Senate agreed to seat Mr. Eustis, who took the oath of office the same day. He served until the term expired on March 3, 1879. Confusion also characterized the contest for the Senate seat the term of which began March 4, 1877. One legislature elected William P. Kellogg while its rival chose Henry M. Spofford. On November 30, 1877, the Senate resolved that Mr. Kellogg was entitled to the seat, which was taken the same day by that gentleman. On March 22, 1880, a Senate investigation committee recommended that Kellogg be unseated and Spofford take his place. The Senate debated the issue but no decision was reached. After Spofford died (on August 20, 1880), Thomas C. Manning was appointed by the Democratic Governor to take Spofford's place as a contestant for the seat. Manning's quest proved as fruitless as had been that of his predecessor. Mr. Kellogg served out the term.

47. Francis W. Sykes v. George E. Spencer, of Alabama (1872–76): Spencer was admitted on March 7, 1873. On May 28, 1874, the Senate resolved that the special committee investigating the claims of Sykes to Spencer's seat be discharged from further consideration of the subject. On December 16, 1875, Spencer asked the committee to investigate the charges of corruption against himself in connection with the late election. On May 20, 1876, the committee cleared him. No further action was taken.

48. Lewis W. Bogy, of Missouri (1873): Senator from March 4, 1873, till his death, December 20, 1877. On March 25, 1873, the Senate compiled with the request of the committee investigating corruption charges against Mr. Bogy that it be permitted to drop its investigation.

49. L. Q. C. Lamar, of Mississippi (1877): Senator from March 6, 1877, till he resigned March 9, 1885. After some debate upon his credentials, Lamar, on March 6, was administered the oath.

50. John T. Morgan, of Alabama (1877): Senator from March 8, 1877, till his death in 1907. Senate, on March 8, 1877, permitted him to take his seat.

51. David T. Corbin v. M. C. Butler, of South Carolina (1877–79): On November 30, 1877, Butler was administered the oath. In 1879, however, debate in the Senate over the claims of Butler V. Corbin was resumed. On February 28, 1879, the contest was conducted by Corbin withdrawing his claim.

52. LaFayette Grover, of Oregon (1877–78): Senator from March 8, 1877, till March 3, 1883. Grover, admitted on March 8, 1877, asked the next day to have his election investigated. On June 15, 1878, he was cleared of all charges.

53. Stanley Matthews, of Ohio (1878–79): Senator from October 15, 1877, till March 3, 1879. On June 5, 1878, Matthews requested the Senate to investigate his connection, if any, with fraud committed in the Louisiana election of 1876. The investigating committee cleared him of fraud but declared his conduct counter to the best interests of the public. No further action was taken by the Senate.

54. Charles H. Bell, of New Hampshire (1879): Senator from April 10, 1879, till June 20, 1879. Senate, on April 10, 1879, resolved that Bell was entitled to fill the vacancy in question.

55. John J. Ingalls, of Kansas (1879–80): Senator from March 4, 1873, till March 3, 1891. On February 17, 1880, the committee investigating Ingalls exonerated him of guilt relative to bribery charges. No further action was taken by the Senate.

56. Elbridge G. Lapham and Warner Miller, of New York (1881): Senate investigating committee, on December 12, 1881, requested that it be discharged from further consideration of the Lapham and Miller election. The next day the Senate so ordered; nothing further was done.

57. Henry W. Blair, of New Hampshire (1885): Senator from June 20, 1879, to March 3, 1891. Senate, on March 10, 1885, agreed that he was entitled to his second term.

58. Henry B. Payne, of Ohio (1885–86): Senate investigating committee, on July 15, 1886, decided not to investigate charges of corruption against him.

59. David Turpie, of Indiana (1887–88): On December 5, 1887, almost 6 months after the committee (the Committee on Privileges and Elections) investigating his credentials and a memorial from the Indiana Legislature had been discharged from further consideration of his case, Turpie took his seat. On the same day another memorial from Indiana was referred to the Committee on Elections and Privileges. On May 14, 1888, the committee asked to be discharged from further investigation. The next day the Senate agreed that the case be dropped.

60. Daniel B. Lucas v. Charles J. Faulkner, of West Virginia (1887): On December 12, 1887, the credentials of Lucas and Faulkner were referred to the Committee on Privileges and Elections. Two days later the committee reported in favor of Faulkner. The Senate agreed the same day to seat him.

61. William A. Clark and Martin Maginnis v. Wilbur F. Sanders and Thomas C. Power, of Montana (1890): In January 1890 the credentials of Clark, Maginnis, Sanders, and Power were referred to the Committee on Privileges and Elections. On April 16, 1890, the Senate agreed to the majority report of the committee; and Sanders and Power were seated.

62. George L. Shoup and William J. McConnell, of Idaho (1890): Shoup took his seat on December 29, 1890, but his credentials were referred to the Committee on Privileges and Elections. On January 5, 1891, that committee recommended that Shoup be confirmed in his seat and that McConnell be permitted to assume the other Idaho seat. The Senate concurred the same day.

63. Fred T. Dubois, of Idaho (1890–91): Dubois' credentials for the 6-year term beginning March 4, 1891, were referred on December 30, 1890, to the Committee on Privileges and Elections. On January 5, 1891, the committee recommended that the credentials be placed on file, as it was not customary to consider any credentials until the term for which they applied had arrived. The Senate had them filed.

64. Horace Chilton, of Texas (1891–92): On December 10, 1891, Chilton, appointed to fill a vacancy, took his seat, but his credentials were referred the same day to the Committee on Privileges and Elections. The committee, on January 25, 1892, asserted that Chilton was entitled to retain his seat. Two days later the Senate concurred. (See the case of Rosier v. Martin, 1941).

65. William M. Clagett v. Fred T. Dubois, of Idaho (1891–92): On December 18, 1890, Dubois was elected to the Senate. On February 6, 1891, however, the Idaho Legislature voted that inasmuch as the validity of Dubois' election was open to question a new election should be held. In the second election Clagett was elected. On December 8, 1891, Dubois, however, was seated; but his credentials, as well as a memorial of protest from Clagett, were referred to the Committee on Privileges and Elections. On March 3, 1892, the Senate resolved that Dubois was entitled to his seat.

66. Wilkinson Call, of Florida (1891): On December 7, 1891, Call presented himself for admission, but was not seated until the next day. His credentials, however, were referred the same day to the Committee on Privileges and Elections.

67. Robert H. M. Davidson v. Wilkinson Call, of Florida (1892): On May 26, 1891, the joint assembly of Florida elected Call United States Senator, but a quorum of the State senate was not present at the voting. The governor, believing the lack of a senate quorum invalidated the election, appointed Davidson, as of September 22, 1891, to be Senator. The credentials of both Call and Davidson were presented to the United States Senate on Decmeber 7, 1891. The next day Call was seated, while his credentials and those of Davidson were referred to the Committee on Privileges and Elections. The Commitee, on February 1, 1892, reported in favor of Call, asserting that the joint assembly rightly was composed of not the two houses, but of the members thereof; thus a majority of all the members elected to both houses constituted the one true quorum. On February 4, 1892, the Senate agreed to the report, and declared Call lawfully entitled to his seat.

68. Lee Mantle, of Montana (1893): On March 4, 1893, the governor appointed Mantle to fill a vacancy, after the State legislature had adjourned without electing a successor to the seat. On March 9, 1893, Mantle's credentials were ordered by the United States Senate to lie on the table. The Committee on Privileges and Elections submitted a report on March 27, 1893, in which Mantle's claim to the seat was defended. The Senate, however, decided on August 28, 1893, that Mantle was not entitled to be seated.

69. Asabel C. Beckwith, of Wyoming (1893): On March 9, 1893, the governor appointed Beckwith to fill a vacancy, after the

State legislature had adjourned (like the Montana Legislature in the case of Lee Mantle) without electing a successor to the seat. Beckwith's credentials were presented on March 15, 1893, and ordered to lie on the table, from which they were later referred to the Committee on Privileges and Elections. On March 27, 1893, the committee in its report supported Beckwith's claim; but the Senate failed to adopt the recommendation of the committee. That chamber on August 7, 1893, received Beckwith's resignation of his appointment as Senator.

70. John B. Allen, of Washington (1893): On March 10, 1893, the governor appointed Allen to fill a vacancy, after the State legislature had adjourned without electing a successor to the seat. Allen's credentials were referred to the Committee on Privileges and Elections. The committee reported March 27, 1893, recommending that Allen be admitted to a seat. On August 28, 1893, the Senate voted that he not be admitted.

71. William N. Roach, of North Dakota (1893): In March and April 1893, resolutions providing for an investigation of allegations charging Roach, who had already been seated in the Senate, with criminal embezzlement were introduced. No action was taken following debate in the Senate.

72. Joseph W. Ady v. John Martin, of Kansas (1893–95): After Martin was admitted to a seat on March 4, 1893, a memorial from the Kansas legislature protesting his seating was received by the Senate. The State legislature asserted that the election of Martin was illegal, whereas the subsequent election of Ady was the only valid election. The case was referred to the Committee on Privileges and Elections and debated in the Senate; but the Committee never made a report nor did the Senate ever bring the matter to a vote.

73. Warren T. Reese, of Alabama (1895): On February 1, 1895, Reese's credentials were presented to the Senate. After a short discussion, the credentials were ordered to lie on the table, from which they were not disturbed.

74. Henry A. DuPont, of Delaware (1895–97): DuPont's petition claiming a seat in the Senate was presented on December 4, 1895. The petition included a certificate signed by the speaker of the Delaware House of Representatives which stated that DuPont was elected to the Senate by the Delaware Joint Assembly on May 9, 1895. In this election DuPont received 15 votes, one shy of a majority if William T. Watson's vote for Edward Ridgely could be considered valid. DuPont asserted that the vote was not valid inasmuch as Watson had taken the oath of office as governor on April 9, 1895, and thus was no longer entitled to serve as a State senator or to vote as one. DuPont's claim was referred to the Committee on Privileges and Elections, which, on February 18, 1896, submitted its report, in which Dupont's claim was upheld. On May 15, 1896, the Senate rejected the recommendation of the committee and declared DuPont not entitled to a seat. In January of the following year DuPont requested that his case be reopened. His memorial was referred to the Committee on Privileges and Elections which recommended that the case be dropped. It was.

75. Andrew T. Wood, of Kentucky (1897): Joseph C. S. Blackburn's term expired March 3, 1897. With the State legislature not then in session, the Governor appointed Wood on March 5, 1897, to fill the vacancy. Five days later Wood's credentials were presented to the Senate, from which body they were referred to the Committee on Privileges and Elections. The committee failed to report upon them. The Kentucky Legislature some time later elected William J. Deboe to fill the vacancy, and he was permitted to take the seat.

76. Henry W. Corbett, of Oregon (1897–98): On March 3, 1897, the term of John M. Mitchell as a Senator expired. As the joint assembly of Oregon had adjourned on February 24, 1897, without electing a successor to Mitchell's seat, the Governor, on March 6, 1897, appointed Corbett to the vacancy. On March 15, 1897, Corbett's credentials were presented to the Senate and then referred to the Committee on Privileges and Elections. The committee, on January 26, 1898, reported, submitting at the same time a resolution to the effect that Corbett was not entitled to a seat. On February 28, 1898, the Senate agreed not to admit Corbett to a seat.

77. John A. Henderson, of Florida (1897): On March 3, 1897, Wilkinson Call's term expired. As the Florida legislature (which normally elected the Senators) was not to convene until April 1897, and as a special session of the United States Congress had been called for March 15, 1897, the Florida Governor, on March 6, 1897, appointed Henderson to fill the vacancy. The latter's credentials, as later amended, were referred to the Committee on Privileges and Elections on March 25, 1897. The committee never submitted a report. On May 14, 1897, Stephen R. Mallory was elected to the position by the Florida Legislature; he took his seat the following day.

78. John E. Addicks v. Richard R. Kenney, of Delaware (1897): The term of Anthony Higgins expired March 3, 1895. On January 21, 1897, the credentials of John E. Addicks, certifying to his election by the legislature on January 20, 1897, for the term beginning March 4, 1895, were presented to the Senate. On February 5, 1897, the credentials of Richard R. Kenney, certifying to his election by the legislature on January 19, 1897, were likewise presented to the Senate. Addick's credentials were signed by the speaker of the State senate, by the speaker of the State house, and by the clerks of both chambers; Kenney's credentials were signed by the Governor, Kenney was admitted to a seat the same day—February 5—that his credentials were presented. On March 19, 1897, Addicks presented a petition to the Senate protesting the seating of Kenney. The petition was referred the same day to the Committee on Privileges and Elections, but no action was ever taken upon it.

79. Marcus A. Hanna, of Ohio (1898–1900): On March 5, 1897, John Sherman resigned as Senator. After being elected by the State legislature to the vacant position, Hanna, on January 17, 1898, took his seat in the United States Senate. On May 28, 1898, the report of the committee appointed by the Ohio Senate to investigate bribery charges was referred to the Committee on Priveleges and Elections of the United States Senate. The committee, on February 28, 1899, reported and asked permission to drop the case. The Senate itself took no further action, other than to order the committee's report to lie on the table. On June 5, 1900, however, Senator Foraker had the entire report (of the Committee on Privileges and Elections) inserted in the RECORD.

80. Matthew S. Quay, of Pennsylvania (1899–1900): On March 3, 1899, Matthew S. Quay's term as Senator expired. On April 21, 1899, after the legislature had failed to elect Quay's successor, the Governor appointed Quay to succeed himself. Quay's credentials were presented, on December 4, 1899, to the Senate, and were referred the same day to the Committee on Privileges and Elections. On January 23, 1900, the committee reported, asserting that Quay was not entitled to a seat. The Senate, on April 24, 1900, upheld the committee; and Quay was not admitted to a seat.

81. Nathan B. Scott, of West Virginia (1899–1900): Before Scott appeared to take his seat, for the term beginning March 4, 1899, certain memorials protesting against his seating were presented to the Senate. On December 4, 1899, when the first session of the 56th Congress opened, Scott was seated without objection. Two days later, memorials of protest and a resolution debarring Scott were referred to the Committee on Privileges and Elections. On March 20, 1900, the committee reported, asserting that Scott was entitled to his seat. The Senate, on April 27, 1900, agreed to his admission.

82. William A. Clark, Montana (1899–1901): On the same day, December 4, 1899, that Clark took his seat, a memorial and a petition remonstrating against his seating were presented to the Senate. These were immediately referred to the Committee on Privileges and Elections. On April 23, 1900, the committee submitted its report, which declared that Clark had not been legally elected, inasmuch as 8 votes of his majority of 15 had been obtained through corrupt methods. On May 11, 1900, Clark resigned as Senator.

83. Martin Maginnis v. William A. Clark, of Montana (1900): On May 15, 1900, the acting governor (the lieutenant-governor) of Montana appointed Clark who had resigned from the Senate only 4 days earlier, to succeed himself. The governor, however, revoked the appointment by the acting governor, and on May 19, 1900, appointed Maginnis to the vacancy. Both Clark and Maginnis submitted claims to the Senate relative to the seat in question, but that body took no action whatever in determining which of the claimants was entitled to the seat. It remained vacant until March 7, 1901.

84. Reed Smoot, of Utah (1903–07): On February 23, 1903, the credentials of Smoot, elected for the term beginning March 4, 1903, were presented to the Senate. On the same day a protest against his seating by a group of Utah citizens was introduced; 3 days later another protest was filed. Both remonstrances asserted that inasmuch as Smoot was a polygamist and an apostle of the Mormon Church he was disqualified from taking the oath required of a Senator. On March 5, 1903, and after his credentials had been found in good order, Smoot was seated without objection. On January 27, 1904, however, the Senate passed a resolution that the Committee on Privileges and Elections be permitted to investigate the right of Smoot to his Senate seat. It was not until June 11, 1906, that the committee submitted its report, which declared that Smoot was not entitled to his position. The final Senate vote on the resolution of the committee that he not be seated was taken on February 29, 1907, virtually 4 years after his credentials had been filed. The Senate on that day sustained Smoot in his seat, after passing a resolution that same day to the effect that the vote of at least two-thirds of the Senators present would be required to declare him not entitled to his seat.

85. Charles H. Dietrich, of Nebraska (1904): Dietrich, elected by the legislature, took his seat on December 2, 1901. On February 1, 1904, Dietrich asked to have a special committee of Senators investigate charges of corruption against him in connection with the appointment of a postmaster and the leasing of a post office building. On April 14, 1904, the special committee submitted its report, in which Dietrich was completely exonerated. No further action was taken by the Senate.

86. James A. Hemenway, of Indiana (1905): On January 17, 1905, Hemenway was elected by the legislature to fill a vacancy which, by the terms of the incumbent's resignation, was to occur 2 months later. On February 21, 1905, Hemenway's credentials were presented to the Senate. After some debate on the propriety of seating a candidate who had been elected to fill an anticipated vacancy, the credentials, on February 21, 1905, were placed on file. On March 4, 1905, Hemenway was permitted to take his seat. (See the case of Rosier v. Martin, 1941.)

87. Joseph R. Burton, of Kansas (1906): On January 25, 1901, Burton's credentials

were presented to the Senate; on March 4, 1901, he took his seat. Five years later, on May 22, 1906, the Senate adopted a resolution directing the Committee on Privileges and Elections to investigate the legal effect of the decision of the Supreme Court in the case of Joseph R. Burton. No report was ever submitted, but on June 5, 1906, the Senate was notified of Burton's resignation from that body.

88. John W. Smith, of Maryland (1908): On March 25, 1908, Smith was elected to fill a vacancy caused by the death of William P. Whyte. The next day his credentials were presented, but he was not seated. Objection was made on the ground that Smith's election had not been according to the Constitution and laws of the United States. The Federal act of 1866 provided that in case of a vacancy occurring during a session of the legislature the election to fill that vacancy should be held on the second Tuesday after the legislature had organized, or on the second Tuesday after the legislature had been notified of such vacancy. As Whyte had died on Tuesday, March 17, it was contended that the second Tuesday would have been March 31. Others, however, asserted that the regular custom should be observed and that Smith be seated on the strength of his credentials. Afterward, his credentials could be referred to the Committee on Privileges and Elections, which unit would then determine whether or not Smith was entitled to retain his seat. The Senate that same day, March 26, 1908, refused to refer the credentials to the Committee on Privileges and Elections, but voted, instead, immediately to seat Smith. No further action was taken by the Senate.

89. William Lorimer, of Illinois (first investigation—1910–11): On May 26, 1909, Lorimer was elected by the Illinois Legislature on the 95th joint ballot; on June 18, 1909, he took his seat. A year later, on May 28, 1910, he introduced a resolution demanding an investigation of charges contained in a Chicago Tribune article that he had been guilty of bribery in connection with his victorious election campaign. On June 7 of the same year further charges of bribery were hurled at him; these were referred to the Committee on Privileges and Elections. Two weeks later the Senate directed that committee to investigate the methods employed in Lorimer's election. On December 21, 1910, the committee submitted its report, exonerating Lorimer. It was found that even if four members of the general assembly had been guilty of bribetaking, Lorimer still would have had a majority of the votes cast in the assembly. On January 9, 1911, Senator Beveridge, one of the two dissenting members of the committee, submitted a resolution declaring that Lorimer was not entitled to his seat. After debating for weeks on the merits of the committee report and the Beveridge resolution, the Senate on March 1, 1911, upheld the report and refused to pass the resolution.

90. William Lorimer, of Illinois (second investigation—1911–12): On April 6, 1911, Senator La Follette introduced a resolution providing for a reinvestigation of Lorimer's election by a special Senate committee. Other resolutions of similar nature followed, all holding that the Senate had authority to reopen the case on the ground of newly discovered evidence. On June 6, 1911, the Illinois Senate officially requested the National Senate to reinvestigate the election. The next day the United States Senate authorized a reexamination of the case by a committee comprising eight specified members of the Committee on Privileges and Elections. On May 20, 1912, the majority report of the committee was submitted. It held that inasmuch as no new evidence had been unearthed, the previous verdict of the Senate should be considered final. The report, nevertheless, reviewed the charges of corruption on Lorimer's part, but pronounced all of them baseless. On the same day, May 20, Senator Lea submitted the minority views, and also introduced a resolution declaring that Lorimer was not entitled to his seat. After almost 2 months of debate on the majority report, the views of the minority, and Lea's resolution, the Senate, on July 13, 1912, adopted the Lea resolution, and Mr. Lorimer's seat was declared vacant. (see the Steck v. Brookhart case, 1926.)

91. Isaac Stephenson, of Wisconsin (1911–12): On March 15, 1909, Stephenson took his seat. More than 2 years later, on August 15, 1911, the Senate authorized the Committee on Privileges and Elections to investigate certain charges of corruption preferred against Stephenson by the Wisconsin Legislature. The committee reported February 12, 1912, the majority declaring that even though more than $107,000 had been spent in the primary election alone, the charges against Stephenson could not be sustained. On March 27, 1912, the majority report, exonerating Stephenson, was adopted.

92. Henry A. DuPont, of Delaware (1912): DuPont's credentials were presented to the Senate on January 26, 1911; on April 4 of the same year he took his seat. Senator Reed on February 26 of the following year submitted a resolution authorizing the Committee on Privileges and Elections to investigate DuPont's conduct relative to certain Delaware elections in 1904 and 1910. The next day DuPont denied that he was guilty of any malpractice. On the succeeding day, February 28, 1912, Reed's resolution was referred to the Committee on Privileges and Elections, but no further action was taken by the Senate.

93. Clarence W. Watson and William E. Chilton, of West Virginia (1912–13): On February 2, 1911, Watson took his seat as a Senator for the term ending March 3, 1913; on April 4, 1911, Chilton was admitted as a Senator for the term beginning March 4, 1911. The following year, on August 26, 1912, a petition from five West Virginia citizens was presented, praying that an investigation be held relative to the election of Watson and Chilton inasmuch as the new Senators, they alleged, had employed bribery and corruption in their quest of Senate seats. The petition was referred to the Committee on Privileges and Elections. On February 11, 1913, the committee reported, exonerating Watson and Chilton of all blame. The Senate the same day adopted both the report and a resolution of the commitee that the latter be discharged from further consideration of the case.

94. Albert B. Fall, of New Mexico (1912): The first State legislature of New Mexico, convening early in 1912, elected Fall for the short term, as well as for the long term beginning March 4, 1913. Protests challenging the right of that session of the legislature to elect for the long term were referred to the Committee on Privileges and Elections. No official inquiry was made, however, as the next regular session of the State legislature, meeting in January, removed all doubts by again electing Fall for the long term.

95. Henry D. Clayton, of Alabama (1913): Joseph F. Johnston, elected by the Alabama legislature for the 6-year term beginning March 4, 1909, died in office August 8, 1913. The Seventeenth Amendment to the Constitution, providing for the direct election of Senators, was adopted by the last necessary State on April 8, 1913. On August 12, 1913, the Governor appointed Henry D. Clayton to serve in the Senate until the next regular session of the Alabama legislature met, which would be in 1915. Clayton's credentials were presented to the Senate on August 20, 1913, but were referred the same day to the Committee on Privileges and Elections. The Governor contended that any vacancy occurring through the death, resignation, or expulsion of any Senator elected before the amendment took effect had to be filled according to the dictates of the original Constitution—that is, temporarily by appointment by the Governor, and thereafter by election by the legislature. Before any report was submitted by the Committee, Clayton, on October 21, 1913, had his credentials withdrawn.

96. Frank P. Glass of Alabama (1913–14): On November 17, 1913, the Governor appointed Glass to fill the vacancy occasioned by the death of Senator Joseph F. Johnston. His credentials were immediately referred, as had been those of Henry D. Clayton, to the Committee on Privileges and Elections, which was authorized to determine whether the Governor had the legal authority to make the appointment or whether the vacancy should have been filled by a special election by the people of Alabama. The Governor and his supporters contended that the 17th amendment did not apply in the cases either of Clayton or Glass; any vacancy occurring during the full 6-year period for which any Senator had been elected prior to the ratification of the amendment should, they maintained, be filled according to the provisions of the original Constitution. A majority of the committee was not impressed by such reasoning, and, in reporting to the Senate, on January 21, 1914, submitted a resolution that Glass not be seated. On February 4, 1914, it was adopted by a vote of 34 to 30.

97. Blair Lee, of Maryland (1914): In January 1910, Isidor Rayner was elected by the Maryland Legislature to the Senate for the 6-year term ending March 3, 1917. On November 25, 1912, he died. The Governor, acting under the old provision of the Constitution, on November 29, 1912, appointed William Purnell Jackson to fill the vacancy. On August 2, 1913, he issued, in accordance with the 17th amendment, a writ of election, to fill the deceased Rayner's seat with a permanent successor. In the ensuing election, held November 4, 1913, Blair Lee emerged the victor. Blair's certificate of election was presented to the Senate on December 5, 1913, which body referred it the same day to the Committee on Privileges and Elections. On January 19, 1914, the majority submitted its report, with a resolution that Blair be seated—even though the conditions of the election had not been prescribed by the Maryland Legislature. The Senate adopted the resolution on January 28, 1914.

98. William E. Chilton v. Howard Sutherland, of West Virginia (1916–18): Sutherland was elected on November 7, 1916, for the term of 6 years beginning March 4, 1917. On March 14, 1917, Chilton, the defeated candidate and former incumbent, had a petition presented to the Senate requesting an investigation into the legality of the late election. The petition was referred the same day to the Committee on Privileges and Elections. On June 26, 1918, the committee reported back, and recommended that the Senate adopt a resolution that Sutherland had been duly elected. Three days later the Senate did so.

99. Henry Ford v. Truman N. Newberry, of Michigan (1918–22): In the primary election of August 27, 1918, Newberry was elected the Republican nominee while Ford, who had also sought the Republican nomination, was chosen as the Democratic standard-bearer. In the general election of November 5, 1918, Newberry received a majority of 7,567 votes. On January 6, 1919, and again on May 20 of the same year, Ford presented petitions protesting Newberry's election. These remonstrances alleged that illegally excessive sums had been expended on Newberry's behalf in both the primary and general elections, and that undue influence had been exerted on the voters during the latter election. On May 19, 1919, however, Newberry was permitted to take his seat. On November 29, 1919, Newberry

and 84 others were indicted for violating the Federal acts of 1910–1911 regulating election expenditures on the grounds that excessive sums had been spent in Newberry's behalf during the primary campaign and that primary elections had to be considered subject to Federal restrictions just as much as general elections. Ten weeks later the grand jury, sitting in a Michigan district court, convicted Newberry and 16 associates. An appeal was at once submitted to the Supreme Court of the United States, which, in an opinion delivered on May 2, 1921, set aside the conviction. Four of the nine justices declared that Congress lacked power to regulate nominations, while a fifth, Chief Justice White, concurred in the judgment of reversal even though he dissented from the court's opinion. The Chief Justice held that inasmuch as the trial judge had erred in his charge to the Michigan jury the finding of the lower court had to be reversed. Meanwhile, the Senate, on December 3, 1919, had authorized the Committee on Privileges and Elections to investigate the Newberry-Ford contest. Almost 2 years later, on September 26, 1921, the majority and minority reports of the committee were submitted. The majority held that even though approximately $195,000 had been expended on Newberry's behalf—most of it in the primary—he had had no knowledge of such expenditure, and was therefore not guilty of violating either the State or Federal acts limiting election expenditures. The minority report contended that the Michigan law prohibited an election expenditure of over $3,750 on the part of any candidate; that Newberry was fully cognizant of the amounts contributed in his behalf; that therefore the Senate should declare his seat vacant. On January 12, 1922, the Senate, by a vote of 46 yeas and 41 nays, declared Newberry a duly elected Senator. On November 8, 1922, after realizing that his position could never be other than uncomfortable, he resigned his seat.

100. Earle B. Mayfield, of Texas (Peddy v. Mayfield 1923–25): On November 7, 1922, Mayfield was elected to the Senate. Three months later, on February 22, 1923, George Peddy, who had been Mayfield's chief opponent for the seat, filed a petition contesting the election and requesting an investigation. The petition charged that Mayfield had been guilty of illegal practices in both the first and "run off" primaries as well as in the general election. One of the more serious charges was that Mayfield had entered into a conspiracy with the Ku Klux Klan. The remonstrance was referred the same day, February 22, 1923, to the Committee on Privileges and Elections. Before the committee could report, Mayfield, on December 3, 1923, was sworn in. On February 2, 1925, the committee finally submitted its report, which, while admitting that many irregularities and violations of the law had occurred during the various elections, found that such acts had not been sufficiently prevalent or venal to play a decisive role in determining the victor; and unanimously recommended, therefore, that the contest be dismissed from further Senate consideration. The next day, February 3, 1925, the Senate unanimously agreed to do so.

101. Holm O. Bursum v. Sam G. Bratton, of New Mexico (1925–26): Bratton was elected for the term beginning March 4, 1925, defeating the incumbent Senator, Holm O. Bursum. On January 8, 1925, Bursum filed with the Secretary of the Senate a notice of his intention to contest the election, as well as a petition charging that a number of irregularities, including falsification of ballots, had characterized the election. On March 4, 1925, Bratton was admitted to a seat. Six days later a resolution to investigate the charges against Bratton was referred to the Committee on Privileges and Elections, which at once appointed a subcommittee to conduct hearings on the contest. Bursum now decided to waive most of the charges, stating that he would base his case upon a recount of the ballots; and should the recount fail to dissipate the contestee's plurality, he was willing to have the contest dismissed. On April 30, 1926, the full committee reported and unanimously recommended that Bratton be declared a duly elected Senator. The committee in its report concluded that even if the contestant were granted credit for everything he claimed, the contestee still would enjoy a substantial majority. The Senate the same day approved the recommendations.

102. Danial F. Steck v. Smith W. Brookhart, of Iowa (1825–26): In the election of November 4, 1924, Brookhart, Republican incumbent, defeated Steck, the Democratic nominee. On January 8, 1925, the latter had a petition of contest filed in the Senate, in which the contestant asserted that in the election there had been considerable falsification of ballots in Brookhart's favor. The Republican State Central Committee of Iowa on March 3, 1925, followed up with a complaint of its own against the seating of Brookhart, charging that the latter was not truly a Republican—that he had secured the Republican primary nomination under false pretenses. (Some observers felt that the Iowa group wanted Brookhart's seat declared invalid simply because he was too independent to please the Iowa party leaders.) Brookhart, nevertheless, was permitted to take his seat the following day. Six days later, on March 10, 1925, the Committee on Privileges and Elections was authorized to investigate the conduct of the election. After each party to the contest had agreed to have a recount of the ballots to determine who had been elected, a subcommittee was organized to make the recount. On March 29, 1926, the full committee reported, after having adopted the finding of the subcommittee to the effect that Steck enjoyed a plurality of 1,420 votes in the recount, and recommended that he be given Brookhart's place. On April 12, 1926, the Senate complied, by adopting a resolution that Steck be declared a duly elected Senator. The vote was 45 to 41. Thus Brookhart, like Albert Gallatin, James Shields, James Harlan, John P. Stockton, and William Lorimer was removed by less than a two-thirds vote. In the earlier days it had been customary to deny a seat by a majority vote, whereas the constitutional provision requires a two-thirds vote for expulsion once a Senator is seated. The Lorimer case established a precedent by expelling with only a majority vote, but the resolution denying Lorimer a seat was so worded as to declare the election invalid and the seat vacant.

103. Magnus Johnson v. Thomas D. Schall, of Minnesota (1925–26): In the election of November 4, 1924, Schall defeated Johnson, the incumbent. On February 2, 1925, Johnson had filed with the Senate a complaint contesting Schall's election, charging that the contestee had been guilty of various violations of the Corrupt Practices Acts of both the United States and the State of Minnesota. On March 4, 1925, Schall was given a seat in the Senate. Six days later that body authorized the Committee on Privileges and Elections to investigate the charges made against Schall. Fifteen months later, on June 8, 1926, the committee reported with a resolution that Schall be declared a duly elected Senator. Eight days later the Senate unanimously agreed to the resolution.

104. Gerald P. Nye, of North Dakota (1925–26): On November 14, 1925, the Governor appointed Nye to fill the seat vacated by Senator Edwin F. Ladd's death until the vacancy could be permanently filled through a special election called for June 30, 1926. On December 7, 1925, Nye's credentials were referred to the Committee on Privileges and Elections. The case revolved around the issue as to whether or not the Governor had been granted authority by the State legislature to make a temporary appointment until the voters of the State could permanently fill the vacancy through a special election. In 1917 the legislature adopted a bill authorizing the Governor to fill all vacancies in State offices, with certain exceptions, by appointment. The statute did not refer to the office of United States Senator or to the 17th amendment, clause 2 of which reads: "When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct." On December 16, 1925, the committee reported, with a resolution by the majority, that Nye be declared not entitled to a seat. The majority held that the State legislature in enacting the statute of 1917 had not intended to endow the Governor with power to make temporary appointments to the United States Senate, that the legislature had deliberately refrained from mentioning United States Senatorships in providing for the filling of vacancies in State offices simply because it had not considered Senators State officers. Senator Stephens submitted the minority report in which it was asserted that Senators are State officers, and therefore it was unnecessary for the legislature in granting authority to the Governor to make temporary appointments to refer in any way to the 17th amendment; or, in other words, to grant the Governor specific power to make temporary senatorial appointments. On January 12, 1926, the Senate, while not necessarily adopting Senator Stephens' opinion that Senators were State officers, agreed by a vote of 41 to 39 to seat Mr. Nye, who was administered the oath the same day.

105. Arthur R. Gould, of Maine (1926–27): On November 20, 1926, Gould was elected Senator to fill a vacancy; on December 6, 1926, he was permitted to take his seat. The next day the Committee on Privileges and Elections was authorized to investigate charges made against Gould that he had been guilty of malpractices, including that of bribery, in having a railroad constructed in the Province of New Brunswick, Canada. Although the alleged acts had been committed more than 14 years previous to Gould's election, the Senate, the next day, ignored the argument advanced by Gould's attorneys that the Senate had no right under the Constitution to inquire into pre-election acts, and by an overwhelming vote insisted that an investigation be conducted. On March 4, 1927, the committee reported, exonerating Gould of all charges and recommending that his right to a seat be confirmed. The Senate approved the recommendation.

106. Frank L. Smith, of Illinois (1926–28): In the Illinois Republican primary of April 13, 1926, Smith, chairman of the Illinois Commerce Commission, defeated the incumbent, Senator William B. McKinley. In the general election of November 2, 1926, Smith again was the victor, defeating George E. Brennan, the Democratic nominee. Although no contest was filed against him in regard to either his nomination or election, the Senate, on May 19, 1926, authorized a special committee to investigate the means used to influence the primary nominations in the 1926 Senate campaign. The committee submitted several reports, which disclosed that $514,143 was expended in the primary in behalf of McKinley while $458,782 was contributed in Smith's favor. Samuel Insull was found to have helped Smith in his primary fight with a gift of $125,000. Insull was an Illinois public utilities magnate and as such was subject to the regulation of the Illinois Commerce Commission, of which Smith was chairman at the time of his election to the Senate. Insull, oddly enough, contributed $15,000 to the

general election campaign of Smith's Democratic opponent, George E. Brennan. Although the Illinois statutes did not specify the amount that any candidate could expend or have expended on his behalf, nor did they require a filed statement disclosing the amount expended; and although the Federal Corrupt Practices Act of 1911, which provided for restrictions on senatorial campaign expenditures, had been declared unconstitutional in the Newberry case as far as it related to primary elections, the Senate had committed itself to a precedent in the Newberry resolution, which despite its endorsement of Newberry's seating, condemned his extravagant expenditure in the primary election. On December 7, 1926, Senator McKinley, who had been defeated by Smith in the primary for the term beginning March 4, 1927, died in office. The Governor 9 days later appointed Smith to fill the unexpired seat. On January 20, 1927, the Senate authorized the Committee on Privileges and Elections to study the question of the prima facie right of Smith to be sworn in as an appointed Senator to fill a vacancy, as well as his final right to the seat as an elected Senator. The Congress adjourned, on March 4, 1927, before the committee could complete its hearings and thus Smith was not permitted to fill the unexpired term to which he was appointed. On January 17, 1928, the special committee submitted its final report, recommending that Smith be declared not entitled to a seat. The Senate 2 days later accepted by a vote of 61 to 23 the recommendation, and the question of Smith's final right to a seat was thus settled. On February 9, 1928, Smith offered his resignation to the Governor, Len Small. The Governor accepted declaring that a vacancy existed, and then appointed the same Smith to fill the unexpired term. Smith again was refused a seat. The Governor then called for a special election for United States Senator for November 6, 1928. In the primary, held April 10, 1928, Smith was defeated by Otis F. Glenn. Smith was at last finished.

107. William S. Vare, of Pennsylvania (Wilson v. Vare 1926–29): In the Pennsylvania Senatorial primary of May 18, 1926, William S. Vare, Republican, received 596,928 votes; George Wharton Pepper, Republican and incumbent Senator, received 515,502 votes; and Gifford Pinchot, Republican and governor of Pennsylvania, received 339,127 votes. The unopposed Democratic candidate, William B. Wilson, received 153,750 votes. On May 19, 1926, the Senate authorized the creation of a special committee to investigate expenditures in the Senatorial primaries and general elections for the 6-year term beginning March 4, 1927. The Committee devoted its time primarily to the Smith case in Illinois and the Vare contest in Pennsylvania. In the latter State the primary contest between Vare and Pepper was a factional one between coalition tickets, headed by the Vare-Beidleman machine on the one hand and the Pepper-Fisher machine on the other, for political control of the State. Vare and Fisher won in the general election for Senator and governor, respectively. On December 22, 1926, the special committee disclosed in a report that in the primaries the Vare-Beidleman machine expended $785,934; the Pepper-Fisher organization, $1,803,979; whereas Pinchot received contributions amounting to $187,029, and Wilson had $10,088 expended in his behalf. On January 10, 1927, Governor Pinchot filed a certificate of election of Vare as Senator, but refused to certify that he had been chosen by the qualified electors of that State. The Senate the same day authorized the special committee to commandeer the records of the general election held on November 2, 1926. On March 4, 1927, Wilson had a formal statement of contest submitted to the Senate, which was immediately referred to the Committee on Privileges and Elections. Wilson based his protest not on excessive expenditures but on widespread falsification of ballots. When Congress reassembled in December, 1927, Vare was not permitted to take a seat. On February 22, 1929, the special committee submitted its final report, recommending that Vare be declared not entitled to a seat. No action was taken on the report during that session. On December 5, 1929, the Committee on Privileges and Elections reported, declaring that Vare had received a plurality of the legal votes cast. The next day the Senate by a vote of 58 to 22 denied Vare a seat; and by a vote of 66 to 15 agreed that neither had Wilson been elected to the Senate. While the Vare case was under discussion in the Senate the Supreme Court answered a number of questions besetting the former body. In the famous *Cunningham* case (279 U. S. 597) the Court held that when a Senator elect presents himself before the Senate with his credentials the jurisdiction of the Senate to ascertain the validity of his claim is invoked; and the Senate's power to adjudicate such claim or rights immediately attaches by virtue of section 5 of article 1 of the Constitution; and whether or not the credentials should be accepted and the oath administered, pending this adjudication, is a matter involving only the discretion of the Senate. The Court further held that the refusal of the Senate to seat a claimant pending investigation does not deprive that claimant's State of its "equal suffrage in the Senate" within the meaning of article V of the Constitution.

108. Joseph R. Grundy, of Pennsylvania (1929–30): on December 11, 1929, Governor Fisher appointed Joseph R. Grundy to the vacancy occasioned by the Senate's refusal to seat either Vare or Wilson. The next day Grundy's certificate of appointment was presented to the Senate. Immediately objection arose as to his right to the seat, especially on the ground that he had raised and contributed a combined total of approximately $400,000 from Pennsylvania manufacturing interests for the 1926 Pepper-Fisher campaign fund. All told, the Pepper-Fisher ticket, supporting Pepper for Senator and Fisher for governor in the Republican primary as against the candidacies of Vare and Beidleman, respectively, for the same offices, boasted an expenditure of $1,804,979. The debate over the seating of Grundy not only considered the latter's fitness in view of his excess expenditures in behalf of Pepper and Fisher, but also revolved around the question of the Senate's power, under the Constitution, to inquire behind the returns of a State election in order to decide whether a governor had been legally elected, and whether the Senate enjoyed the authority to question the validity of a senatorial appointment by that governor. Grundy, nevertheless, was permitted to take a seat the same day, December 12, 1929. At the same time, his credentials were referred to the Committee on Privileges and Elections. On January 31, 1930, the Committee reported, declaring that Grundy had been duly and legally appointed and that he was entitled to his seat. No action on the report was taken by the Senate; the case was tacitly dismissed.

109. J. Thomas Heflin v. John H. Bankhead, of Alabama (1930–32): In the general election of November 4, 1930, Bankhead defeated the incumbent, Senator Heflin. On February 24, 1931, Heflin filed his formal petition of protest, charging that he had been defrauded of his right to run in the regular Democratic primary and was forced to run on an independent ticket; and that irregularities, including excessive expenditures, fraud, and intimidation, had marked the general election. The Alabama primary election law permitted political parties to prescribe the qualifications of candidates for the primary election. Heflin, however, asserted that the Democratic State Executive Committee was legally in error in fixing as a qualification for a Democratic candidate in the primary a test of party loyalty in the preceding presidential election and not requiring this same qualification for the voters in that primary. This requirement barred Heflin from entering the Democratic primary, as he had supported the Republican candidate in the 1928 presidential election. On February 28, 1931, the Senate authorized the Committee on Privileges and Elections to investigate the case. On December 7, 1931, Bankhead was administered the oath. On April 18, 1932, the majority of the full committee reported, submitting concomitantly a resolution that Bankhead be declared a duly elected Senator. The majority found that the Supreme Court of Alabama had upheld the legality of a party test oath for candidates only; that the alleged irregularities in the conduct of the general election and of the election officials constituted only infractions of directory provisions of the State law as distinguished from mandatory provisions, and did not invalidate the election; that no evidence of excessive or corrupt expenditures had been disclosed; and that Bankhead could not be coupled personally with any of the alleged irregularities. On April 28, 1932, the Senate declared Bankhead a duly elected Senator by a vote of 64 to 18.

110. George M. Pritchard v. Josiah W. Bailey, of North Carolina (1931–33): Bailey was elected to the Senate for the term beginning March 4, 1931, defeating Pritchard, his Republican opponent. On March 3, 1931, Pritchard filed a petition of contest, which was referred the same day to the Committee on Privileges and Elections. The contestant listed numerous alleged irregularities: Illegal registration of nonresidents, minors, etc.; illegal voting of absentees; falsification of ballots; refusal of election officials either to register or permit qualified Republican voters to cast their ballots; general intimidation of voters; etc. On December 7, 1931, Bailey was permitted to take the oath. Ten days later the Senate authorized the Committee on Privileges and Elections to conduct hearings on any subject which might come before it. On January 13, 1932, however, the Senate refused to appropriate funds for an investigation on the ground that sufficient evidence had not been presented to justify a hearing and investigation. The full Committee on Privileges and Elections, nevertheless, met on January 16, 1932, and studied Pritchard's petition. Bailey the same day filed a motion to dismiss the contest as frivolous, and also filed an answer to Pritchard's charges as well as a demand that the contestant submit a bill of particulars relative to the alleged illegalities on the part of the contestee, Mr. Bailey. On January 2, 1932, Pritchard complied, but his amended petition contained only general allegations. A subcommittee was thereupon authorized by the full committee to report upon the amended petition. On February 3, 1933, it reported that the allegations by Pritchard did not justify the founding of a contest, and recommended, therefore, that the contestant's charges be dismissed. The Senate the same day agreed without a record vote to do so.

111. Einar Hoidale v. Thomas D. Schall, of Minnesota (1932–33): In the election of November 4, 1930, Schall, Republican incumbent, defeated Hoidale, the Democratic nominee. On December 7, 1931, Schall took the oath of office. Four months later, on April 14, 1932, Hoidale filed a petition protesting the election, principally on the ground that violations of both the Federal and Minnesota Corrupt Practices Acts, as well as of Federal postal laws, had occurred in behalf of Schall. The petition was referred the same day to the Committee on Privileges and Elections, which body, on July 16, 1932, informed Hoidale that his petition would be dismissed unless charges contained therein were made

more specific. Hoidale thereupon submitted, on August 30, 1932, an amended petition. On January 17, 1933, the committee reported upon both petitions, finding that neither the original petition nor its amendment presented charges definite enough to warrant further investigation; and as for the more specific allegations, they were either answered satisfactorily by the contestee or were found to be of trivial consequence. On January 31, 1933, the Senate agreed without a record vote to a resolution that Schall be declared a duly elected Senator.

112. John E. Erickson, of Montana (1933): After the death of Senator Thomas J. Walsh on March 2, 1933, Gov. John E. Erickson resigned to accept, on March 13, 1933, appointment to the United States Senate by his successor, the former Lieutenant Governor. On March 17, 1933, Erickson was permitted to take the oath. The Senate the same day received a petition protesting Erickson's seating from George M. Bourquin, a Montana Federal judge, who alleged that the seat had been secured (or "purchased") solely by an exclusive bargain between the Governor and the Lieutenant Governor. The petition was immediately referred to the Committee on Privileges and Elections. On February 3, 1934, the committee reported a resolution that it be authorized to investigate the circumstances incident to Erickson's appoinment. The resolution was referred the same day to the Committee To Audit and Control the Contingent Expenses of the Senate, from which committee it was never reported back.

113. Dennis Chavez v. Bronson M. Cutting, of New Mexico (1935): in the election of November 6, 1934, Cutting, the incumbent Senator, defeated Chavez by a plurality of 1,261 votes. On January 3, 1935, Cutting was sworn in. On February 25, 1935, Chavez had filed with the Senate a petition contesting Cutting's election and requesting a recount of the ballots. The petition was immediately referred to the Committee on Privileges and Elections. In his protest, Chavez charged that the Cutting forces had been guilty of intimidation of voters, illegal use of influence and money, and falsification of ballots. On March 25, 1935, Cutting filed a motion to dismiss the contest and a brief in support thereof on the grounds that the petition was ambiguous, general, and untrue; and that Chavez had failed to take advantage of a New Mexico statute whereby any unsuccessful candidate for public office, including that of United States Senator, could have the election contested in the district court of the county in which either the contestant or the contestee resided. On April 10, 1935, Chavez filed with the committee an answer to Cutting's motion to dismiss in which he ridiculed Cutting's charge that he, Chavez, had failed to have a contest instituted in a county court. Chavez acidly observed that Cutting wanted the Senate to surrender the right accorded it by the Constitution to be the judge of its own membership, a right the Senate had always jealously guarded. The next day, April 11, 1935, a hearing was held before the Committee on Privileges and Elections on the motion to dismiss, at which time Chavez filed a bill of particulars listing the names of persons who, he charged, had been permitted to vote illegally. Shortly thereafter the committee struck out all charges of illegal use of money but required the contestee, Cutting, to answer to the charges of conspiring to have illegal votes counted for him while preventing the counting of legal votes for the contestant. Cutting thereupon left for New Mexico to take personal charge of an investigation to determine the validity of such charges. While returning to Washington on May 6, 1935, he was killed in an airplane accident. On June 4, 1935, the committee met to receive the late Senator's answer to Chavez's charges which was filed with the committee by Cutting's counsel. Chavez now requested the committee to drop the case, but the group refused to do so until the allegations against Cutting had been proved or disproved. After counsel for the deceased presented the latter's findings, the committee the same day, June 4, 1935, recommended in its report to the Senate that the contest be dismissed, on the ground that the record contained nothing which reflected in any way upon the honor or integrity of the late Senator. The Senate immediately and unanimously agreed to do so.

114. Henry D. Hatfield v. Rush D. Holt, of West Virginia (1935): In the general election of November 1934, Holt defeated Hatfield, the incumbent Senator. Holt did not present himself for seating until after his 30th birthday, which occurred on June 19, 1935. On April 18, 1935, Hatfield had presented to the Senate a petition of protest and contest, charging that the election of Holt was void and asserting that he, Hatfield was entitled to the seat on the ground that he had received the next highest number of votes. On May 15, 1935, a memorial from certain citizens of West Virginia was filed with the Senate alleging that Holt's election was void and that the seat should be declared vacant. Both the petition and the memorial were referred on April 18 and May 15, 1935, respectively, to the Committee on Privileges and Elections. Each protest revolved primarily around the question of Holt's age qualification. It was claimed that inasmuch as Holt would not be 30 years old until June 19, 1935, and was not, consequently, 30 years of age either at the time of his election or at the commencement (January 3, 1935) of the term for which he was elected, his election should be declared void; he had failed to meet the constitutional requirement as provided in paragraph 3, section 3, of article 1 of the Constitution. It was also asserted that his certificate of announcement as a candidate had not been executed. It was ascertained, however, that though the notary before whom Holt acknowledged his candidacy was not an officer of the county in question, he had been commissioned a notary for the State at large and was legally authorized to administer oaths of senatorial candidacy. On June 19, 1935, the committee reported. The majority held that the West Virginia voters were quite aware that Holt would not become of age until June 19, 1935; that the acknowledgment of Holt's candidacy by a notary who was not a county officer was of no importance; that even if the election was void, Hatfield was not entitled to the seat as it had long been recognized that the ineligibility of a majority candidate does not entitle the candidate receiving the next highest number of legal votes to the office; and that the date on which a Senator-elect takes his seat should determine whether or not he had complied with the age qualifictaions as stated in the Constitution. The majority, therefore, submitted a resolution that Holt was entitled to a seat. On June 21, 1935, the Senate, by a vote of 62 to 17, adopted the resolution. Holt the same day took the oath and was seated.

115. H. C. Lowry v. George L. Berry, of Tennessee (1937): On May 6, 1937, the Governor appointed Berry to fill the unexpired term of the late Senator Nathan L. Bachman. Four days later Berry took his seat. The next day, H. C. Lowry, a citizen of Tennessee, had presented to the Senate a petition requesting an investigation of Berry's right to the seat. The petition, which was immediately referred to the Committee on Privileges and Elections, charged that Berry's character was not above reproach; he had been involved in a lawsuit over an accounting of funds due the International Printing Pressmen and Assistants' Union; he had been delinquent in paying his taxes; and his business operations featured unfair competition. It was also alleged that a Presidential "confidant" had telephoned the Governor urging Berry's appointment. Berry shortly thereafter filed with the committee an informal answer denying utterly the truth of all the charges. He stated that the lawsuit had been instituted in 1917 while he was serving with the AEF in France, and had been withdrawn by those who precipitated it. The other charges advanced by Lowry were equally ridiculous. On June 14, 1937, the committee reported, unanimously recommending that the Senate, in view of the fact that Lowry's allegations were insufficient to warrant Senate consideration, dismiss the case. The Senate the same day did so, without a record vote.

116. John R. Neal v. Tom Stewart, of Tennessee (1939): During the Tennessee primary campaign of 1938, a special committee appointed to investigate general senatorial campaign expenditures and the use of Government funds received serious charges from Neal, a candidate in the Democratic primary. Neal alleged that all State primary election officials in Tennessee had been illegally appointed; that Stewart, another Democratic candidate, had expended more money than the law allowed, and such money had been supplied by assessments against WPA and other Federal workers; and that illegal voters had been registered. On January 3, 1939, the committee reported, asserting that essentially the charges could not be sustained, and that no evidence jeopardizing Stewart's right to his seat (which he won defeating Neal, who ran as an Independent in the general election) had been found. Thirteen days later Neal filed a petition with the Senate, which was immediately referred to the Committee on Privileges and Elections. The petition charged Stewart and his followers with having been guilty in the general election of numerous irregularities, including refinements on the offenses committed in the primary. On February 17, 1939, the contestant filed an amended petition—also referred to the Committee on Privileges and Elections—which contained additional and more specific charges. On March 31, 1940, the committee reported, again absolving Stewart of any blame, and recommending that the case be dismissed. The Senate the same day unanimously agreed to do so.

117. Raymond E. Willis v. Frederick Van Nuys, of Indiana (1939): Van Nuys was reelected to the Senate on November 8, 1939, defeating Willis, the Republican nominee. On January 3, 1939, Van Nuys took his seat. On March 13, 1939, Willis filed a petition with the Senate requesting a recount of the ballots and a general investigation of the election. The Republican State central committee supported the petition, which alleged that fraud, bribery, excessive expenditures, abuse of Federal relief funds, etc., had marked the election. The petition, nevertheless, did not charge that Van Nuys himself was in any way connected with such offense, or that he was unfit for the office. On April 13, 1939, the committee reported, recommending that inasmuch as the petition was insufficient it should be dismissed. The Senate the same day unanimously agreed to do so.

118. Joseph Rosier v. Clarence E. Martin, of West Virginia (1941). On January 10, 1941, Gov. Homer A. Holt appointed Clarence E. Martin United States Senator, effective immediately upon the resignation of MATTHEW M. NEELY, who, it was anticipated, would resign on January 12, 1941, to become governor of West Virginia, succeeding Mr. Holt. NEELY did resign on the 12th, claiming that he did so precisely at 12 o'clock midnight. (The governor's term, as fixed by West Virginia statute, begins on the first Monday after the second Wednesday in January; in 1941 the date was January 13.) The very next moment (or sometime between 12:01 and

12:50 a. m.—the several certificates of the oath of office as signed by NEELY before the secretary of state and the president of the supreme court of appeals vary as to the exact time) NEELY appointed, in what he considered his capacity as the new Governor, Joseph Rosier to be United States Senator. Holt, in the meantime, had suspected what NEELY was planning to do, and on January 11 repeated his appointment of Martin; and again, at "the first moment of January 13, 1941," he designated him as NEELY'S successor in the Senate. The case was referred later the same month to the Committee on Privileges and Elections, before which group Martin's counsel maintained that Holt had remained governor for several days after the 12th of January inasmuch as the governor's term is fixed at 4 years; and 4 years from the date of Holt's inauguration would carry it to several days beyond January 12, even though the West Virginia law stated that all the inaugurals had to be staged on the first Monday after the second Wednesday. Martin's counsel held further that NEELY deliberately held off resigning as Senator until the last possible moment in order to be free to make his own successor; but Mr. Holt divined NEELY'S plan and appointed Martin in anticipation of NEELY'S resignation. Holt was able legally to do this because when NEELY resigned as Senator, the governor was still in office, and remained governor until his successor, NEELY, had fully qualified—which was not, Martin's counsel maintained, until 4 or 5 days after January 13. Martin, however, rested his case primarily upon Holt's "right" to make an anticipatory appointment. As proof of such right, he and his counsel cited the Chilton case which in turn was based on other precedents. In April 1891, Senator Reagen, of Texas, resigned, the resignation to take effect on June 10, 1891. The governor, after receiving Reagen's resignation, appointed Chilton, on April 25, 1891, to fill the vacancy, the appointment to take effect on June 10, 1891. On December 7, 1891, Chilton appeared and was seated, although his credentials were referred the same day to the Committee on Privileges and Elections. On January 25, 1892, the committee upheld Chilton's right to a seat, which right the Senate 2 days later confirmed. The committee in 1892 cited a number of precedents in support of its stand: "It appears that in three cases persons so appointed (in anticipation of vacancies) have been admitted to their seats without question; that Mr. Tracy was admitted and Mr. Lanman rejected, where the executive made the appointment in anticipation of a vacancy, there being a discussion in the Senate, but no satisfactory evidence of the grounds of the judgment; that in one case, that of Mr. Sevier, a person so appointed has been admitted, when the validity of the appointment was questioned, upon other grounds, without raising this question specifically; and that in modern times the practice has been uniform for the State executive to delay appointment until the actual happening of the vacancy; that where the power is given to fill vacancies in public offices it has been the uniform practice to permit resignations of such officers to be made to take effect at a future day, and to hold that the appointing power is entitled to make the appointment in advance to fill the vacancy, to take effect when the resignation becomes operative, unless the language of the constitutional or statute provision under which the authority is exercised forbids such construction." (Compilation of Senate election cases from 1789 to 1913 (62d Cong., 3d sess., S. Doc. No. 1036), p. 48.) On April 29, 1941, the committee reported, a majority of one recommending that Rosier, rather than Martin, be seated. The majority acknowledged the force of the precedents established in the Chilton and similar cases, but maintained that in each of these instances the governor remained in office as governor for a substantial length of time after he had made an appointment to fill a Senate vacancy; he himself had not resigned, as had Holt, at approximately the same time he made the appointment. The majority held, furthermore, that Holt had no intention of making the appointment until he learned of NEELY'S intention of appointing his own successor; and that NEELY became governor immediately upon his taking the private oath of office, and not several days thereafter. On May 13, 1941, the Senate adopted the majority report, by a vote of 40 to 38. The next day Rosier took his seat. (CONGRESSIONAL RECORD, vol. 87, pt. 4, pp. 3952–3976, 4017.)

119. Herbert R. O'Conor v. D. John Markey, of Maryland (1946–48): In the election of November 5, 1946, O'Conor, Democratic Governor of Maryland, defeated Markey, his Republican opponent by a margin of 2,232 votes, the total vote having been 237,232 ballots for O'Conor and 235,000 for Markey. On December 10, 1946, Markey filed with the Special Committee to Investigate Campaign Expenditures (1946) a preliminary sworn petition in which he charged that there had been such errors and irregularities in the recent campaign as to affect the result of the election. On December 31, 1946, after a recount had been taken of the votes cast on the voting machines in Baltimore city and Montgomery County, Markey filed with the Secretary of the United States Senate a formal sworn petition, requesting the Senate to have a recount made of all ballots cast during the election. The petition was referred on January 6, 1947, to the Committee on Rules and Administration; the Subcommittee on Privileges and Elections was entrusted on January 18, 1947, with consideration of the contest. After conducting a recount of all votes cast in the State, and after "examin[ing] into all of the charges of irregularities and fraud meriting consideration," the subcommittee concluded that O'Conor had been "duly elected" a United States Senator. On May 13, 1948, Senator JENNER submitted a report from the full Committee on Rules and Administration, stating that it in turn had adopted the report of its Subcommittee on Privileges and Elections. (80th Cong., 2d sess., S. Rept. No. 1284.) On May 20, 1948, the Senate agreed to Senate Resolution 234, which provided that O'Conor be declared entitled to his seat in the Senate. O'Conor, incidentally, had been sworn in as a Senator on January 4, 1947. (CONGRESSIONAL RECORD, vol. 94, pt. 5, p. 6160.)

120. HARLEY M. KILGORE v. Tom Sweeney, of West Virginia (1946–49): In the election of November 5, 1946, KILGORE, incumbent Senator, defeated Sweeney, his Republican opponent, by a majority of 3,534 votes; KILGORE received 273,151 votes while Sweeney received 269,617. On January 3, 1947, Sweeney filed with the United States Senate a sworn petition, outlining the grounds for his contest. The petition asserted that irregularities and fraudulent practices had occurred in 12 of the 55 West Virginia counties. The next day, January 4, 1947, KILGORE was administered the oath as United States Senator. Two days later Sweeney's petition was referred to the Committee on Rules and Administration, which in turn referred it to the Subcommittee on Privileges and Elections. The subcommittee found that "many election officials were inefficient and negligent" in some particulars, yet its investigation, which was conducted for approximately 18 months, "failed to develop any indication whatsoever of any general plan to defraud or of any general pattern of irregularities or violations." And despite the fact that "gross irregularities and violations of election laws" did occur, it was obvious that "neither the contestants or [sic] incument were [sic] aware of such irregularities or violations, or were a party to such conduct or in anywise condoned any of the illegalities or irregularities. * * *" The subcommittee "adjusted" the total vote count, giving KILGORE 272,215 votes and Sweeney 269,291 votes; it was admitted, however, that this did not necessarily represent a completely accurate tabulation inasmuch as the investigation was confined to such areas in which the vote favored KILGORE. On July 28, 1949, Senator Myers, from the Committee on Rules and Administration, reported to the Senate that the subcommittee recommended that KILGORE be declared "duly elected." (81st Cong., 1st sess., S. Rept. No. 802.) That same day (July 28, 1949) the Senate agreed to the recommendation. (CONGRESSIONAL RECORD, vol. 95, pt. 8, p. 10321.) On August 3, 1949, the vote was reconsidered, but only in order to correct a clerical error. (CONGRESSIONAL RECORD, vol. 95, pt. 8, p. 10652.)

121. HOMER FERGUSON v. Frank E. Hook, of Michigan (1948–49): In the election of November 2, 1948, FERGUSON, incumbent Senator, defeated Hook, his Democratic opponent, by a vote of 1,045,156 to 1,000,329. FERGUSON was sworn in as United States Senator on January 3, 1949. On January 5, 1949, Hook's petition contesting the election was referred to the Committee on Rules and Administration, from which it was subsequently referred to the Subcommittee on Privileges and Elections. The petition asserted, among other things, that "there were innumerable errors, illegalities, irregularities, and fraudulent acts in the conduct of the election * * *;" and that the "Republican national committeeman from Michigan was acting with the complete knowledge and approval of the said HOMER FERGUSON during the years 1947–48 collecting several hundred thousand dollars as political contributions." The subcommittee found that in "a great number of the precincts investigated * * * the election procedure was faulty and inadequately administered." Such "faulty and inadequate procedure," however, was not "coupled with a fraudulent intent." And although the election laws of the State of Michigan were frequently violated, there was no indication that FERGUSON himself was responsible for such illegalities; neither was any evidence produced that FERGUSON had direct knowledge of or had given approval to the conduct of the above-mentioned Republican national committeeman. Senator Myers, from the Committee on Rules and Administration, reported to the Senate on July 28, 1949, that the Subcommittee on Privileges and Elections recommended that FERGUSON be declared "duly elected." (81st Cong., 1st sess., S. Rept. No. 801.) The recommendation was adopted immediately. (CONGRESSIONAL RECORD, vol. 98, pt. 8, p. 10321.)

LIST OF SENATE EXPULSION CASES SINCE 1789

1. William Blount, of Tennessee (1797): Senator from December 6, 1796, to July 8, 1797. On July 8, 1797, Blount, having been found guilty of a high misdemeanor, was expelled from the Senate by a vote of 25 to 1.

2. John Smith, of Ohio (1807–08): Senator from October 25, 1803, till he resigned, April 25, 1808. On November 27, 1807, the Senate resolved that a committee investigate Smith's fitness to hold his seat as a Senator. A month later, on December 31, 1807, the committee submitted its report and, concomitantly, introduced a resolution to the effect that by his participation in the Aaron Burr conspiracy Smith had been guilty of conduct incompatible with his position as a Senator and should, consequently, be expelled. On April 9, 1808, the Senate sustained him in his seat, but by the smallest possible margin. The vote was 19 for adoption of the resolution, 10 for its rejection; so that with one less than two-thirds of the Senators present not concurring in the passage of the resolution, Smith was permitted to retain his seat.

3. Henry M. Rice, of Minnesota (1858): Senator from May 12, 1858, till March 3, 1863. On May 12, 1858, immediately following the presentation of his credentials, Rice took

his seat. Three days later the Committee on Military Affairs was instructed to investigate Rice's role in the sale of the Fort Crawford Reservation. The committee reported June 9, 1858, fully exonerating him. The Senate the next day unanimously approved the report.

4. Jefferson Davis and Albert C. Brown, of Mississippi; Stephen R. Mallory and David L. Yulee, of Florida; C. C. Clay and Benjamin Fitzpatrick, of Alabama; Robert Toombs, of Georgia; Judah P. Benjamin, of Louisiana: On January 22, 1861, a motion was introduced that the Journal be so corrected to state that Davis, Mallory, Yulee, Clay, and Fitzpatrick had announced that they had withdrawn from the Senate following the secession of the States they represented. An amendment was then moved that their names be stricken from the list of Senators. Both motions were ordered to lie on the table. On March 14, 1861, the Senate resolved that inasmuch as Brown, Davis, Mallory, Clay, Toombs, and Benjamin had withdrawn from the Senate, thus making their seats vacant, the Secretary should be directed to omit their names, respectively, from the roll. An amendment to the foregoing resolution, offered just prior to the passage of the latter, to read that these Senators had ceased to be Members of the Senate, was defeated.

5. Louis T. Wigfall, of Texas (1861): Senator from January 4, 1860, till July 11, 1861, when he was expelled. On March 8, 1861, a resolution was offered that Wigfall be expelled from the Senate. The resolution and an amendment thereto, declaring that Texas was not entitled to be represented in this body, were referred on March 12, 1861, to the Committee on the Judiciary. The committee failed to report on either, but on July 11, 1861, the Senate passed a resolution expelling him.

6. James M. Mason and Robert M. T. Hunter, of Virginia; Thomas L. Clingman and Thomas Bragg, of North Carolina; James Chestnut, Jr., of South Carolina; A. O. P. Nicholson, of Tennessee; William K. Sebastian and Charles B. Mitchel, of Arkansas; John Hemphill and Louis T. Wigfall, of Texas: On July 10, 1861, a resolution was submitted providing for the expulsion of the above-mentioned Senators. The next day the resolution was passed.

7. John C. Breckinridge, of Kentucky: Senator from March 4, 1861, till December 4, 1861, when he was expelled. On December 4, 1861, a resolution was offered that Breckinridge be expelled from the Senate. The same day an amendment was moved whereby a preamble, stating that Breckinridge had joined the enemies of his country, was affixed to the resolution; and the resolution itself was expanded so as to brand Breckinridge as the traitor. The Senate at once agreed to the amended resolution, by a vote of 37 yeas to no nays.

8. Trusten Polk, of Missouri (1861–62): Senator from March 4, 1856, till January 10, 1862. On December 18, 1861, a resolution was introduced that Polk, now a traitor to the United States, be expelled * * * from the Senate. It was referred the same day to the Committee on the Judiciary. On January 9, 1862, the committee recommended unanimously that the resolution pass. The next day it did so—unanimously.

9. Waldo P. Johnson, of Missouri (1861–62): Senator from March 4, 1861, till January 10, 1862. On December 10, 1861, a resolution was submitted that Johnson be expelled because of his sympathy with and participation in the rebellion. Two days later the resolution was referred to the Committee on the Judiciary. On January 9, 1862, the committee reported back the resolution with the recommendation that it be agreed to. The next day it passed unanimously.

10. Jesse D. Bright, of Indiana (1861–62): Senator from March 4, 1845, to February 5, 1862. On December 16, 1861, a resolution providing for Bright's expulsion on the ground of disloyalty was submitted to the Senate. It was referred the same day to the Committee on the Judiciary. On January 13, 1862, the committee reported, recommending that the expulsion resolution not pass. The Senate, however, on February 5, 1862, ignored the advice of the committee, and, by a vote of 32 yeas to 14 nays, agreed to the resolution.

11. Lazarus W. Powell, of Kentucky (1862): Senator from March 4, 1859, till March 3, 1865. On February 20, 1862, a resolution that Powell be expelled, on the ground of treason, was offered in the Senate. It was referred to the Committee on the Judiciary. On March 12, 1862, the committee reported, recommending that the resolution not pass. Two days later the Senate accepted the recommendation of the committee by not agreeing to the resolution of expulsion. The vote was 28 nays, 11 yeas.

12. James F. Simmons, of Rhode Island (1862): Senator from March 4, 1841, till March 3, 1847, and from March 4, 1857, till he resigned in August 1862. On July 2, 1862, a resolution was submitted to the Senate providing that Simmons be expelled from the Senate, on the ground that he had used his official influence for private monetary gain. On July 8, 1862, the resolution was referred to the Committee on the Judiciary. The committee reported on the 14th of the same month, asserting that Simmons' conduct was "highly improper," but should any penalty be imposed upon Simmons such punishment would be liable to that objection to which all post facto laws are justly subject—Congress had not passed a law making illegal conduct such as that of Simmons until after that Senator's offensive actions had occurred. The committee made no recommendation; it merely asserted that the Senate might do as it thought proper. The Senate did nothing. Three days later, Congress adjourned; before the next session convened, Simmons resigned his seat.

13. James W. Patterson, of New Hampshire (1873): Senator from March 4, 1867, till March 3, 1873. On February 4, 1873, the Senate received a communication from the House of Representatives asserting that a special House committee had evidence relating to matters of bribery affecting Members of both Houses; a copy of such evidence was transmitted with the communication. Both were referred to a select committee, which, on February 27, reported back, exonerating of all bribery charges all Senators mentioned in the House documents save Mr. Patterson. The committee submitted a resolution relative to him providing that he be expelled. No action, however, was taken by the Senate; and he was permitted to finish his term, which expired on March 3, 1873.

14. Robert M. La Follette, of Wisconsin (1917–19): On September 29, 1917, the Minnesota Commission of Public Safety presented a resolution to the Senate praying that the latter body prepare the way for La Follette's expulsion on the ground that he was a "teacher of disloyalty and sedition"; had given "aid and comfort to our enemies"; and had succeeeded in "hindering the Government in the conduct of the war." This resolution, as well as similar ones subsequently presented, was referred to the Committee on Privileges and Elections. The committee held hearings for 14 months. On December 2, 1918, it recommended that the resolution be dismissed. The Senate, on January 16, 1919, agreed by a vote of 50 to 21 to do so.

15. Senators from Louisiana: Huey P. Long and John H. Overton (1933–34): On July 11, 1932, a resolution was adopted that a special committee of five Senators be provided to investigate campaign expenditures of presidential, vice presidential, and senatorial candidates in connection with the primaries and general elections of 1932. In the summer and fall of 1932, petitions were filed by Senator Broussard (defeated by Overton in the primary) and others which charged that fraud had been committed in the primary. Several subcommittees were then set up; from October 5 to December 2, 1933, they held intermittent investigations in Louisiana. No special election contest, however, was involved; Senator Broussard himself never instituted a contest against Overton, nor did he claim to have won the nomination. On January 16, 1934, the special committee reported, at which time it reminded the Senate that it had not been authorized or requested to make decisions on any of the issues raised during the investigations of its subcommittees; that it had been instructed merely to report facts which would be of public interest, or which would be of service to the Senate in deciding an election contest or enacting remedial legislation; that it could not itself determine whether Senator Broussard or Mr. Overton had been duly elected. The committee, through its subcommittees, found that political conditions in Louisiana as they related to elections could not be defended: fraud, intimidation of voters, and various unethical practices, including the use of the "dummy candidate" device, were enthusiastically and generally employed by Louisiana politicians regardless of the machines with which they were affiliated. The committee, however, asserted that no evidence whatever of Mr. Overton's personal connection with any fraud had been discovered. On the same day, January 16, 1934, the Senate received a petition from the Women's Committee of Louisiana, giving formal notice of contest of Overton's election and alleging that he was not entitled to a seat—that he should be expelled—as he had relied on fraud, coercion, intimidation, and corruption in his primary campaign. The petition was at once referred to the Committee on Privileges and Elections. The next month this committee decided that the various charges against both Long and Overton, as they had thus far been presented, were too general and otherwise insufficient to justify further committee consideration. The petitioners were advised, consequently, to make their allegations more specific. In the meantime, in April 1933, many petitions seeking the expulsion of Senator Long, who had been elected in 1930, were filed in the Senate. These protests, charging that Long had been guilty of many irregularities in the 1930 election, were referred on April 14, 1933, to the Committee on the Judiciary. On January 10, 1934, Senator Ashurst from the same committee declared that charges against a Senator should be referred to the Committee on Privileges and Elections; and that the Judiciary Committee rightfully had been directed to study only the legal questions involved in the matter of privilege relative to the petitions filed against Long; and to determine whether or not such petitions should ever have been received by the Vice President. The Senate at once ordered that such of the petitions that related strictly to Long's right to his seat be referred to the Committee on Privileges and Elections. The Judiciary Committee retained possession of the other petitions, some of which were almost identical with those surrendered to the Committee on Privileges and Elections. On March 19, 1934, the Judiciary Committee reported, declaring that all the petitions including those transferred to the jurisdiction of the Privileges and Elections Committee, not only comprised unsupported generalities, but were also scurrilous and defamatory. Because of their nature, the Senate should not have received them; but because it had done so, the petitions were "clothed with a limited privilege." On June 16, 1934, the Committee on Privileges and

Elections recommended that inasmuch as the petitioners had failed to add any new evidence in submitting amendments to their petitions, the committee should be discharged from further consideration of the Louisiana cases. The Senate the same day accepted the recommendation, thus definitively concluding the Overton-Long contests.

16. WILLIAM LANGER, of North Dakota (1941–42): LANGER was elected Senator on November 5, 1940. On January 3, 1941, he was permitted to take his seat "without prejudice," either to himself or to the Senate. His credentials were later turned over to the Committee on Privileges and Elections, which considered the case for over a year. On January 29, 1942, the committee reported, with the majority recommending that inasmuch as the charge of "moral turpitude [had] been proven beyond all reasonable doubt," the "integrity of the United States Senate be upheld by denying WILLIAM LANGER the right to be a United States Senator from the State of North Dakota." The committee further recommended that the Senate cast a record vote upon the following resolutions: (1) That the case did not "fall within the constitutional provisions for expulsion or any punishment by two-thirds vote, because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate"; (2) that "WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota." Two alleged acts of corruption apparently involving LANGER particularly disturbed the committee: (1) A lawyer for the Great Northern Railway, it was charged, paid LANGER $25,000 for stock in some Mexican lands (already expropriated) after the railway's taxes were cut $150,000 a year; (2) Attorney Gregory Brunk, after profiting handsomely in North Dakota county bonds, paid LANGER, the committee asserted, $56,800 for Dust Bowl lands the former had never seen. On March 27, 1942, the Senate, after 2 weeks of debate, voted upon the resolutions advanced by the Privileges and Elections Committee. By a vote of 45 to 37 on the first resolution the Senate decided that LANGER's case was really one to be decided, as in expulsion cases, by a two-thirds vote. On the second resolution—that of declaring LANGER not entitled to be a Senator—the Senate again ignored its committee's advice and voted 52 to 30 to uphold LANGER's right to his seat (CONGRESSIONAL RECORD, vol. 88, pt. 3, pp. 3063–3065).

(A note relative to removals: "There appear to be six * * * instances where Members of the Senate have been removed by less than a two-thirds vote: Albert Gallatin, James Shields, James Harlen, John P. Stockton * * * William Lorimer [and Smith W. Brookhart]. Article I, sec. 5, of the Constitution provides that 'Each House may * * * with the concurrence of two-thirds, expel a Member.' * * * It [has] been customary to deny a seat [or declare it vacant even after having been occupied] by a majority vote, while the constitutional provision requires a two-thirds vote for expulsion after a Senator is once seated. The Lorimer case established a precedent [for cases involving moral turpitude, the five other cases concerned technicalities] by expelling with a majority vote the resolution being so worded as to declare the election invalid and the seat vacant.")

(Senate Election Cases from 1913 to 1940 (76th Cong., 3d sess., S. Doc. No. 147), p. 217.)

Statistics on Senate Election Cases

Number of Senate seats contested since 1789	121
Number of Senate expulsion cases (additional cases)	16
Number of Senators who were denied admission to seats	20
Number of Senators who resigned under fire or who withdrew their credentials	7

Statistics on Senate Election Cases—Con.

Number of Senators expelled:	
A. By two-thirds vote	15
B. By simple majority vote ("removed" after passage of resolution declaring given Senators not entitled to their seats or that such seats were "vacant")	6

Sources: Compilation of Senate Election Cases from 1789 to 1913 (62d Cong., 3d sess., S. Doc. No. 1036); Senate Election Cases from 1913 to 1940 (76th Cong., 3d sess., S. Doc. No. 147, p. 217); CONGRESSIONAL RECORD (impractical to list the numerous volumes consulted); United States Congress, Senate Reports: 80th Cong., 2d sess., Senate Report No. 1284; 81st Cong., 1 sess., Senate Report No. 801; 81st Cong., 1st sess., Senate Report No. 802.

Mr. MORSE. Mr. President, I ask unanimous consent to have published in the RECORD immediately following the memorandum to which I have referred, certain material from Hinds' Precedents of the House of Representatives, volume 2, at page 1138, beginning with the so-called Henry S. Foote, of Mississippi, case, section 1664; and then the Tillman-McLaurin case, section 1665, going to the end of that section on page 1142.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

1664. In 1850 occurred an episode between Messrs. Thomas H. Benton, of Missouri, and Henry S. Foote, of Mississippi, in the Senate, in which the latter menaced the former with a pistol. The subject was referred to a select committee, who made a report giving the facts in the case, and condemning the practice of carrying arms in the Senate as well as regretting the flagrant breach of order. The report further stated that this was the first instance of disorder of this kind in the Senate. There was no recommendation for action and no action was taken by the Senate.

1665. For unparliamentary language and an assault two Senators were declared in contempt and later were censured.

Two Senators having been declared in contempt a question was raised as to the right to suspend their functions as Senators, including the right to vote, but was not decided.

The President pro tempore of the Senate declined to take the responsibility of directing the Secretary to omit from the call of the yeas and nays the names of two Senators who had been declared in contempt.

Two Senators, declared by the Senate to be in contempt, were allowed to speak only after permission had been given by the Senate.

On a resolution in the Senate censuring two Senators the names of both called, but neither voted.

On February 22, 1902, while the Senate was considered the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, Mr. John L. McLaurin, of South Carolina, referring to a certain statement made in debate by Mr. Benjamin R. Tillman, of South Carolina, said:

"I now say that that statement is a willful, malicious, and deliberate lie."

At this point Mr. Tillman advanced to Mr. McLaurin, of South Carolina, and the two Senators met in a personal encounter, when they were separated by Mr. Layton, the acting assistant doorkeeper, assisted by several Senators sitting near.

The Senate at once went into executive session and after some time spent therein the executive session was terminated and the injunction of secrecy was removed from the following, which had been agreed to:

"Ordered, That the two Senators from the State of South Carolina be declared in contempt of the Senate on account of the altercation and personal encounter between them this day in open session, and that the matter be referred to the Committee on Privileges and Elections with instructions to report what action shall be taken by the Senate in regard thereto."

Thereupon Mr. J. C. S. Blackburn, of Kentucky, asked whether or not Mr. Tillman would be entitled to recognition to make a statement.

After debate the President pro tempore (William P. Frye, of Maine) said:

"While these two Senators are declared to be in contempt the Chair could not recognize either if he should rise and address the Chair; but on motion made by any Senator that they be heard the Chair would recognize the Senator making the motion, and would hold that the motion was in order. In the ordinary transgression of the rules or violation of order the Senator violating must take his chair, and he cannot be recognized by the Presiding Officer again until the Senate has relieved him of that by motion. Of course, the Senators from South Carolina can be relieved from the condition in which they are now, so far as recognition by the Chair is concerned, by a motion and by a majority vote of the Senate."

Thereupon, on motion of Mr. Blackburn, the Senate voted to allow the two Senators to be heard in order that they might purge themselves of contempt.

And Messrs. Tillman and McLaurin thereupon addressed the Senate apologizing for the occurrence.

On February 24, a vote being taken on the pending bill, Mr. George Turner, of Washington, called attention to the fact that the name of neither Senator from South Carolina had been called.

The President pro tempore declined to entertain the question of order until the roll-call had been completed and the result announced.

The result of the vote having been announced, Mr. Turner, rising to a question of privilege, stated that the State of South Carolina had been deprived of its rights under the Constitution, which declared that the Senate should "be composed of two Senators from each State," that "each Senator shall have one vote," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate."

In the course of the debate, Mr. Nelson W. Aldrich, of Rhode Island, read the following from Cushing:

"The power to expel also includes in it a power to discharge a Member, for good cause, without inflicting upon him the censure and disgrace implied in the term 'expulsion'; and this has accordingly been done, in some instances, by the House of Commons.

"Analogous to the right of expulsion is that of suspending a Member from the exercise of his functions as such, for a longer or shorter period; which is a sentence of milder character than the former, though attended with somewhat different effects; for during the suspension the electors are deprived of the services of their representative, without power to supply his place; but the rights of the electors are no more infringed by this proceeding than by an exercise of the power to imprison."

And Mr. Joseph W. Bailey, of Texas, denying the applicability of the law of Parliament, read the following from the American and English Encyclopedia of Law:

"The same inherent power of punishing for contempt belongs to Parliament in England. The House of Commons has it, not because it is a representative body with legislative functions, but because it is a part of the high court of Parliament, the highest court in the realm.

"A legislative assembly of an English colony, not being a judicial body, has no inherent right to punish for contempt, and,

except in those cases where Parliament has invested them with it, they cannot exercise it.

"In the United States the judicial power is vested by the various constitutions in the courts created by the constitutions and such others as may be created. Neither Congress nor the State legislatures succeeded to those inherent and unlimited powers of punishing for contempt possessed by the English Parliament.

The Senate having passed to other business without disposing of the question on February 27, the President pro tempore made this statement to the Senate:

"The Chair desires to say that on Monday last he requested the clerks not to call the names of the two Senators from South Carolina, they being by a resolution of the Senate in contempt of the body. On Tuesday he requested the clerks to read the names in the event there was a rollcall. He did this not because he doubted in the least the propriety of the action he took on Monday. He did it because he recognized that it was a grave question, and he preferred to be in a position where, if it again arose, it could be by him submitted to the decision of the Senate and thus relieve the Chair from the responsibility."

On February 28, Mr. Julius C. Burrows, of Michigan, from the Committee on Privileges and Elections, made a report which, after reciting the circumstances of the encounter, proceeded:

"We thus present to the Senate the entire record bearing upon this unfortunate occurrence, and no examination or investigation by your committee could possibly throw any additional light upon the transaction, which occurred in open session and in the presence of the membership of this body. That the conduct of the two Senators was an infringement of the privileges of the Senate, a violation of its rules, and derogatory to its high character, tending to bring the body itself into public contempt, cannot be questioned or denied. Indeed, the Senate by a unanimous vote has already placed on record its condemnation of the Senators by declaring both guilty of contempt."

"The majority of the committee are of the opinion that the legal effect of adjudging these Senators in contempt of the Senate was to suspend their functions as Senators, and that such a punishment for disorderly behavior is clearly within the power of the Senate, but the conclusion they have reached makes it unnecessary to discuss this question.

"The offenses committed by the two Senators were not, in the opinion of a majority of the committee, of equal gravity. The charge made by Mr. Tillman had been once before in the Senate specifically denied in parliamentary language by Mr. McLaurin. The offense charged against Mr. McLaurin was among the most reprehensible a Senator could commit. He could not ignore it or fail to refute it and hope to be longer respected as either a man or a Senator.

"Mr. McLaurin did not commence the encounter, but only stood in his place at his desk, where he was speaking, and resisted the attack that was made upon him.

"In other words, his offense was confined to the use of unparliamentary language, for which he had unusual provocation.

"Nevertheless, his offense was a violation of the rules of the Senate of so serious a character that, in the opinion of the committee, it should be condemned.

"In the case of Mr. Tillman the record shows that the altercation was commenced by the charge he made against Mr. McLaurin. Such a charge is inexcusable, except in connection with a resolution to investigate. Mr. Tillman not only made the charge without any avowal of a purpose to investigate, but also disclaiming knowledge of evidence to establish the offense; and this he did after the charge had been specifically and unqualifiedly denied by Mr. McLaurin.

"Such a charge under any circumstances would be resented by any man worthy to be a Senator, but, made as it was in this instance, its offensiveness was greatly intensified, and the result must have been foreseen by Mr. Tillman if he took any thought, as he should, of the consequences of his statements. This feature of his offense, coupled with the fact that he also commenced the encounter by quitting his seat, some distance away from Mr. McLaurin, and, rushing violently upon him, struck him in the face, makes the case one of such exceptional misbehavior that a majority of the committee are of the opinion that his offense was of much greater gravity than that of Mr. McLaurin.

"The penalty of a censure by the Senate, in the nature of things, must vary in actual severity in proportion to the public sense of the gravity of the offense of which the offender has been adjudged guilty. Therefore, notwithstanding the fact that, in the opinion of a majority of the committee, there is a difference in the gravity of the offenses under consideration, your committee are of the opinion that public good and the dignity of the Senate will be alike best promoted and protected, so far as this particular case is concerned, by imposing upon each Senator, by formal vote, the censure of the Senate for the offense by him committed; and, therefore, the committee recommends the adoption of the following resolution:

"'*Resolved*, That it is the judgment of the Senate that the Senators from South Carolina, Benjamin R. Tillman and John L. McLaurin, for disorderly behavior and flagrant violation of the rules of the Senate during the open session of the Senate on the 22d day of February, instant, deserve the censure of the Senate, and they are hereby so censured for their breach of the privileges and dignity of this body, and from and after the adoption of this resolution the order adjudging them in contempt of the Senate shall be no longer in force and effect.'"

A minority of the committee, Messrs. Joseph W. Bailey, of Texas, E. W. Pettus, of Alabama, Jo. C. S. Blackburn, of Kentucky, Fred. T. Dubois, of Idaho, and Murphy J. Foster, of Louisiana, presented the following dissenting views:

"We dissent from so much of the report of the committee as asserts the power of the Senate to suspend a Senator and thus deprive a State of its vote, and so much as describes the offenses of the Senators as of different gravity; but we approve the resolution reported."

A portion of the majority, Messrs. L. E. McComas, of Maryland, Albert J. Beveridge, of Indiana, and J. C. Pritchard, of North Carolina, submitted views in favor of suspension of the two Senators. After discussing the power to punish generally, they submitted:

"Since punishment for disorderly behavior may be inflicited by a majority vote in the Senate, what sorts of punishment may be imposed upon a Senator?

"In *Kilbourn* v. *Thompson* (103 U. S., 189) Justice Miller says: 'We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.'

"Later, in *In re Chapman* (166 U. S., 668), Chief Justice Fuller says of the Senate: 'It necessarily possesses the inherent power of self-protection' (Ib., 671); 'Congress could not divest itself or either of its Houses of the essential and inherent power to punish for contempt in cases to which the power of either House extended.'

"While the Supreme Court has said that it does not concede that the Houses of Congress possess the general power of punishing for contempt analogous to that exercised by courts of justice, it had admitted that there are cases in which the Houses of Congress have such power of punishing for contempt, and points out the source of this power.

"In *Kilbourn* v. *Thompson* (103 U. S. 201) the court said: 'We may, perhaps, find some aid * * * if we can find out its source, and fortunately in this there is no difficulty. For, while the framers of the Constitution did not adopt the law and custom of the English Parliament as a whole, they did incorporate such parts of it and with it such privileges of Parliament as they thought proper to be applied to the two Houses of Congress.'

"Among these privileges, says the court, is the right to make rules and to punish members for disorderly behavior. The Senate has not like power with Parliament in punishing citizens for contempt, but it has like power with Parliament in punishing Senators for contempt or for any disorderly behavior or for certain like offenses. Like Parliament, it may imprison or expel a member for offenses. 'The suspension of members from the service of the House is another form of punishment.' (May's Parliamentary Practice, 53.) This author gives instances of suspension in the seventeenth century and shows the frequent suspension of members under a standing order of the House of Commons, passed February 23, 1880.

"Says Cushing, section 280: 'Members may also be suspended by way of punishment, from their functions as such, either in whole or in part or for a limited time. This is a sentence of a milder character than expulsion.'

"'During the suspension,' says Cushing, section 627, 'the electors are deprived of the services of their representative without power to supply his place, but the rights of the electors are no more infringed by this proceeding than by an exercise of the power to imprison.'

"The Senate may punish the Senators from South Carolina by fine, by reprimand, by imprisonment, by suspension by a majority vote, or by expulsion with the concurrence of two-thirds of its Members.

"The offense is well stated in the majority report. It is not grave enough to require expulsion. A reprimand would be too slight a punishment. The Senate by a yea-and-nay vote has unanimously resolved that the said Senators are in contempt. A reprimand is in effect only a more formal reiteration of that vote. It is not sufficiently severe upon consideration of the facts."

The resolution proposed by the committee was agreed to, yeas 54; nays 12.

The names of both Senators from South Carolina were called on this vote, but neither voted, Mr. McLaurin stating that for obvious reasons he would refrain from voting.

Mr. MORSE. Mr. President, I now ask unanimous consent to have printed at this point in the RECORD, immediately following the printing of excerpts from Hinds' Precedents, to which I have just referred, certain excerpts from volume 6 of Cannon's Precedents of the House of Representatives, beginning on page 408, with section 239, and continuing to the end of page 410.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

239. A proposition for the censure of a Senator was entertained as privileged.

A Senator who had employed an official of a manufacturing association as a clerk in the formulation of a tariff bill was censured by the Senate.

The introduction in official capacity to confidential committee conferences of a representative of business organizations interested in legislation under consideration was

declared by resolution to be contrary to senatorial ethics.

A Senator against whom a resolution of censure was pending addressed the Senate without permission being asked or given.

On September 30, 1929, in the Senate, a subcommittee of the Committee on the Judiciary, instructed by resolution (S. Res. 20) "to inquire into the activities of lobbying associations and lobbyists," reported:

"Your committee, having had under consideration the matter of the association of one Charles L. Eyanson, assistant to the president of the Manufacturers Association of Connecticut (Inc.), with Hon. Hiram Bingham, a Senator from that State, during the consideration by the Finance Committee of the Senate and the majority members thereof of the pending tarff bill and having completed that phase of its work, beg leave to report as follows:

"The Manufacturers Association of Connecticut (Inc.) is an organization in the nature of a trade association, the purpose of which is to promote the general interests of its members in their business, manufacturing establishments of the State of Connecticut, including the New York, New Haven & Hartford Railroad Co. Its business at Hartford, Conn., is under the immediate supervision and direction of the said Charles L. Eyanson under the president thereof, E. Kent Hubbard. Eyanson is paid a salary of $10,000 per annum by the association. He came to Washington while the tariff bill referred to was under consideration by the Committee on Ways and Means of the House of Representatives in the early part of the present year, and aided members of the association in preparing arguments and data for submission by them to the committee referred to.

"Eyanson came to Washington to take position, in effect, as a clerk of the office of Senator Bingham, in which he had a desk where he received callers who came to consult with him or Senator Bingham or both. He assembled material for the use of Senator Bingham in connection with the hearings before the Senate Committee on Finance and attended the hearings, occupying a seat from which he could communicate at any time with Senator Bingham and aided him with suggestions while the hearings were in progress. After the hearings were completed the majority members went into secret session for the purpose of considering the bill. At that time, at the direction of Senator Bingham, Eyanson was sworn in as clerk of the Committee on Territories and Insular Possessions, of which Senator Bingham was then and is now the chairman, displacing one Henry M. Barry, who was told by Senator Bingham that his salary would nevertheless continue. This course was pursued, the committee was told by Senator Bingham, that Eyanson might be 'subject to the discipline of the Senate,' the significance of the phrase being left unexplained.

"After Eyanson had thus been introduced into the secret meetings of the majority members and had sat with them for some 2 or 3 days, Senator Smoot, chairman of the committee, inquired of Senator Bingham whether Eyanson was an officer or employee of the Manufacturers Association of Connecticut, and being advised that he was, Senator Bingham was told by Senator Smoot that objection had been made to Eyanson's presence in the committee and intimated it would be better if he did not longer attend. Senator Bingham then inquired as to the attitude of other members of the committee and from the view thus elicited reached the conclusion that Eyanson ought not longer to attend the meetings and he did not. Eyanson drew his salary as clerk of the Committee on Territories and Insular Possessions. At the end of his first month's service as such he turned the amount so received over in cash to Senator Bingham. The remainder of his salary while he continued on the rolls he drew and turned over to Mr. Barry, the whole amounting to $357.50.

"After the departure of Eyanson from Washington on the completion of his work here with Senator Bingham, the latter transmitted to him a check for $1,000, which has never been cashed, the recipient having determined tentatively on its receipt to return it personally rather than by letter to Senator Bingham, but now remains undecided as to what disposition he should make of the check."

On November 4, 1929, Mr. George W. Norris, of Nebraska, referred to this report and offered the following resolution:

"*Resolved*, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official rolls of the Senate at the time and in the manner set forth in the report of the Subcommittee of the Committee on the Judiciary is contrary to good morals and senatorial ethics and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned."

A request that consideration of the resolution be delayed having been submitted by Mr. Simeon D. Fess, of Ohio, the President pro tempore (George H. Moses, of New Hampshire) said:

"The Chair is of the opinion that the resolution is privileged."

Request then being preferred by Mr. Fess that consideration of the resolution be postponed until the following day, the President pro tempore continued:

"Although privileged, with the assent of the mover of the resolution, it will go over 1 day."

On November 4, during consideration of the resolution in the Senate, Mr. Bingham participated in the debate and thus analyzed the issues raised by the pending resolution:

"The resolution asks for the condemnation of my having placed Mr. Eyanson, secretary to the president of the Connecticut Manufacturers' Association, on the Senate rolls on three grounds: First, that it is contrary to good morals; second, that it is contrary to senatorial ethics; and third, that it tends to damage the honor and reputation of the Senate.

"In the first place, it is claimed that the employment of Mr. Eyanson was contrary to good morals. It is difficult, Mr. President, to know exactly what is meant by this expression 'contrary to good morals'; but if it means anything at all it must mean that there was something in this employment which was immoral in the sense of being dishonorable or corrupt. To this charge, Mr. President, I plead not guilty. There was nothing in his employment which was dishonorable or corrupt. Not one dollar of the public money was wasted. Not a single taxpayer's dollar was employed for any sinister purpose. I did not profit to the extent of one dollar by any part of this transaction. There was nothing contrary to good morals.

"Now, let us take the second point: It is claimed that his being placed on the rolls of the Senate was contrary to senatorial ethics. It is fair to assume, Mr. President, that the expression senatorial ethics relates to what is considered by senatorial practice to be right or wrong. Again, Mr. President, I plead not guilty.

"Everyone in the Senate knows that to each Senator there are assigned four clerkships. It may not be generally known to the public, but it is known to every Senator that the Senator himself is considered the sole judge as to the nature of the employment to which these clerks should be put and the character of the persons appointed to those positions. There is no restriction on who should be appointed or how he or she shall be employed. That is the custom of the Senate. That is the nature of senatorial ethics so far as these positions are concerned.

"So far as I have been able to learn, according to senatorial ethics, no official of the Government, no official of the Senate, no committee of the Senate has ever held that a Senator was answerable as to whom he appointed or as to how the clerk was used. In view of this fact, Mr. President, I do not see how my placing of Mr. Eyanson on the rolls as one of my four clerks can possibly be held to be contrary to senatorial ethics.

"The third charge, Mr. President, is that my action tends to bring the Senate into dishonor and disrepute. In order for this action to bring the Senate into dishonor and disrepute it must have had some sinister motive and must have been directed against the interest of the people of the United States.

"Mr. President, I do not believe that those who have done me the honor of listening to or of reading my previous statements will accuse me of having had dishonorable or unpatriotic motives. My sole desire was to secure the best possible information on a difficult and intricate subject, particularly as it related to the people who elected me to the United States Senate.

"My sole object, my sole purpose in placing Mr. Eyanson on the official rolls of the Senate was so that I might be the better prepared to present the case of my constituents in Connecticut, both employers and employees, both producers and consumers; that I might be the better prepared to meet in committee and on the floor of the Senate the arguments of those who are opposed to a high protective tariff.

"Mr. President, this was my motive. This was my sole object. In carrying it out not a dollar of the public funds was misused. Nothing dishonorable or disreputable was attempted. Nothing was done contrary to good morals or to senatorial ethics."

Mr. Norris replied:

"This is not a question of the vindication of the Senator from Connecticut or of his condemnation. It is a question of the honor of this body. No one has disputed the evidence; no one has contradicted the facts which were brought out."

After extended debate an amendment disavowing any imputation of corrupt motives was incorporated and the resolution was agreed to, yeas 54, nays 22, in the following form:

"*Resolved*, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official rolls of the Senate and his use by Senator Bingham at the time and in the manner set forth in the report of the subcommittee of the Committee on the Judiciary (Rept. No. 43, 71st Cong., 1st sess.), while not the result of corrupt motives on the part of the Senator from Connecticut, is contrary to good morals and senatorial ethics and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned."

Mr. MORSE. Mr. President, I submit this material because I believe it should be in the CONGRESSIONAL RECORD, for ready reference by Members of the Senate, for, in my opinion, much of the material will be of precedential value as we come to consider the McCarthy issue.

MUTUAL SECURITY ACT OF 1954

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is H. R. 9678.

The Senate resumed the consideration of the bill (H. R. 9678) to promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes.

LEGISLATIVE PROGRAM

Mr. KNOWLAND. Mr. President, for the information of the Senate, I desire to make an announcement. We are now back on the foreign-aid bill. The Senate obviously is not going to continue in session any longer this evening. It has had a full day. I expect shortly to move that the Senate recess until 10 o'clock tomorrow morning. The pending business before the Senate will be the foreign-aid bill.

At the conclusion of action on the foreign-aid bill the Senate would ordinarily proceed to the consideration of the farm bill, but I have been requested by the chairman of the Appropriations Committee, the distinguished Senator from New Hampshire [Mr. BRIDGES] to take up the supplemental appropriation bill, which I shall expect to do perhaps late tomorrow afternoon or tomorrow evening, when action has been completed on the unfinished business, because it will be necessary to go to conference on a number of items in the supplemental appropriation bill.

I have discussed the matter with the distinguished Senator from New Hampshire, and it is desired to call the appropriation bill up after action is completed on the foreign-aid bill. Immediately thereafter it is expected that the Senate will proceed to the consideration of the farm bill.

Mr. THYE. Mr. President, every day or every other day we are informed that another bill is going to be considered instead of the agricultural bill. The conference on the agricultural bill can be expected to be just as lengthy as would be a conference on the supplemental appropriation bill. I have sat idly by, and have patiently waited for the Senate to begin consideration of the agricultural bill. Again I have seen another important measure placed on the calendar ahead of the agriculture bill. I think it is entirely a mistake to be laying aside important proposed farm legislation, and delaying consideration of the bill to a point where we know the Congress will not have time in conference to give the bill proper consideration. For that reason I must express disappointment that the Senate now finds another bill is to be considered ahead of the farm bill.

Mr. KNOWLAND. I should like to say to the Senator from Minnesota, because he serves with me on the Committee on Appropriations, that the Senate will consider the farm bill. There will be no other legislative matter considered ahead of it after the supplemental appropriation bill is acted on. There is much important legislation to be considered by the Senate, including the social-security bill, the anti-Communist bill, the unemployment insurance bill, and a great many other bills. I assure the Senator from Minnesota there is no desire unnecessarily to delay the consideration of the farm bill. I have been doing all I can to expedite the business of the Senate, but it is the customary practice of the Senate to give priority consideration to appropriations bills. I think the request of the Senator from New Hampshire is not unreasonable. I assure the Senator from Minnesota that nothing other than the supplemental appropriation bill will be allowed to come between consideration of the foreign aid bill and of the farm bill.

Mr. THYE. I thank the Senator for that assurance.

Mr. BRIDGES. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from New Hampshire.

Mr. BRIDGES. I should like to state that not only is it a tradition and a custom, but it is a rule of the Senate, that appropriation bills shall have priority in the Senate's consideration. I assure the Senator from Minnesota that I am willing to sit here tomorrow until midnight to finish consideration of the appropriation bill, so that the Senate may proceed to the consideration of the farm bill. So far as I know, unless there are objections, the appropriation bill ought to be disposed of very quickly. I hope the farm bill will be considered very soon.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from North Dakota.

Mr. YOUNG. Of late years it has been the custom and the practice to take up farm bills just before Congress adjourns. That seems to happen every time there is pending an important piece of proposed farm legislation. I wish to join my friend, the Senator from Minnesota, in expressing disappointment over the great delay in considering the farm bill. I do not know whether the matter was taken up with the Republican policy committee, or just how the decision was arrived at to delay consideration of the farm bill, but I think it is the wrong thing to do.

Mr. KNOWLAND. I may say to the Senator from North Dakota, as I said to the Senator from Minnesota, that it is the custmoary practice, and it is a rule of the Senate, to take up appropriation bills, when they are reported and ready for action. That has been done during the entire session. I have given assurance to the Senate that no other bill will be allowed to come in between consideration of the foreign aid bill and the farm bill. There is no desire or purpose on the part of the majority leader to delay consideration of the farm bill, because it is one of the high priority pieces of proposed legislation which the Senate must consider before adjournment. I recognize that once the farm bill goes to conference, several days will be spent in conference on various aspects of the bill. I assure the Senator that the farm bill will be given very high priority.

Mr. STENNIS. Mr. President, will the distinguished senior Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. STENNIS. I appreciate the courtesy of the Senator from California in yielding to me. In speaking from this side of the aisle, and at the moment representing it, I wish to express some concern about the farm bill. We were unable to hear very clearly what the majority leader said a few moments ago, because of the confusion which existed. However, I understand that the farm bill is to come before the Senate after the appropriation bill which has been mentioned.

Mr. KNOWLAND. That is correct. I give the Senator from Mississippi my assurance that no other proposed legislation will be run in between; and if we have the cooperation of the Senate tomorrow or tomorrow night, the Senator from New Hampshire [Mr. BRIDGES] has said he will be willing to remain here until midnight, if necessary, in order to have the Senate take final action on the appropriation bill; and I hope we shall be able to take up the farm bill the next day.

Mr. STENNIS. I thank the Senator from California. We know he is trying in every way to cooperate.

Mr. HOLLAND. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. HOLLAND. I note that the calendar has some 21 pages of bills and other measures which have been reported since the last call of the calendar. I recall asking the majority leader some days ago when he expected to have a call of the calendar. I understood him to say there would be a calendar call early this week.

Mr. KNOWLAND. I had indicated my hope in that regard, but that was before I got caught in the most recent situation. I had announced, and I think the RECORD will so show, that we would have a call of the calendar when we finished action on the Flanders resolution, the foreign aid bill—which was the pending measure, and which we had hoped to dispose of before the Flanders resolution came up—and the farm bill.

Immediately following the farm bill, we shall have a call of the calendar, for the consideration of bills and other measures to which there is no objection, from the beginning of the calendar.

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. LANGER, from the Committee on the Judiciary, with an amendment:

S. 831. A bill for the relief of Pietro Meduri (Rept. No. 2157);

S. 883. A bill for the relief of Tokuko Kobayashi, and her minor son (Rept. No. 2158);

S. 1604. A bill for the relief of Margot Herta Matulewitz (Rept. No. 2159);

S. 1838. A bill for the relief of Azzam Issac Rafidi (Rept. No. 2160);

S. 1890. A bill for the relief of Olivia Mary Oreiuch (Rept. No. 2161);

S. 2216. A bill for the relief of Vasilios Demetriou Kretsos and his wife Chryssa Thomaidou Kretsos (Rept. No. 2162);

S. 2633. A bill for the relief of Stanislavas Racinskas (Stacys Racinskas) (Rept. No. 2163);

S. 2636. A bill for the relief of Arturo Rodriguez Diaz (Rept. No. 2164);

S. 2678. A bill for the relief of Liselotte Warmbrand (Rept. No. 2165);

S. 2679. A bill for the relief of Ahti Johannes Ruuskanen (Rept. No. 2166);

S. 2695. A bill for the relief of Francoise O. McMahon (Rept. No. 2167);

S. 2731. A bill for the relief of Jean Cantalini (Rept. No. 2168);

S. 2768. A bill for the relief of Lydia Tischler (Rept. No. 2169);

S. 2877. A bill for the relief of Philopimin Michalacopoulos (Mihalakopoulos) (Rept. No. 2170);

S. 2936. A bill for the relief of Elisa Palumbo Castaldo (Rept. No. 2171);

S. 2941. A bill for the relief of Kim Kwang Suk and Kim Woo Shik (Rept. No. 2172).

S. 2993. A bill for the relief of Ruth Wehrhan (Rept. No. 2173);

S. 3045. A bill for the relief of Margaret Isabel Byers (Rept. No. 2174);

S. 3046. A bill for the relief of Nejibe El-Sousse Slyman (Rept. No. 2175);

S. 3047. A bill for the relief of Luzia Cox (Rept. No. 2176);

S. 3056. A bill for the relief of S. Sgt. Silvestre E. Castillo (Rept. No. 2177);

S. 3084. A bill for the relief of Elsa Lederer (Rept. No. 2178);.

S. 3273. A bill for the relief of Cirino Lanzafame (Rept. No. 2179);

S. 3392. A bill for the relief of Anna C. Giese (Rept. No. 2180);

S. 3569. A bill for the relief of Mrs. Lisa Lear (Rept. No. 2181);

S. 3652. A bill for the relief of Francis Timothy Mary Hodgson (formerly Victor Charles Joyce) (Rept. No. 2183);

S. 3688. A bill for the relief of Helga Schart Coulson (Rept. No. 2184); and

S. 3689. A bill for the relief of Gisela Nagel (nee Maireder) (Rept. No. 2185).

By Mr. LANGER, from the Committee on the Judiciary, with amendments:

S. 26. A bill to amend chapter 19, title 5, of the United States Code, entitled "Administrative Procedure," so as to prohibit the employment by any person of any member, official, attorney, or employee of a Government agency except under certain conditions (Rept. No. 2156);

S. 1338. A bill for the relief of certain Palestinian Arab refugees (Rept. No. 2186);

S. 1605. A bill for the relief of James Arthur Cimino (Rept. No. 2187);

S. 1720. A bill for the relief of Eugenia Gafos and Adamantios George Gafos (Rept. No. 2188);

S. 2879. A bill for the relief of Helen Hilda Coral Newbery, Peter Julian Newbery, and Prudence Ellen Newbery (Rept. No. 2189);

S. 2994. A bill for the relief of Edward H. Hon (Rept. No. 2190);

S. 3024. A bill for the relief of Malvina David (nee Gabriel) (Rept. No. 2191);

S. 3054. A bill for the relief of Rosita A. Jocsan (Rept. No. 2192);

S. 3276. A bill for the relief of Cleophat Robert Joseph Caron (Rept. No. 2193);

S. 3352. A bill for the relief of Joseph Feghali and Roger Feghali (Rept. No. 2194);

S. 3585. A bill to amend the Strategic and Critical Materials Stockpiling Act (60 Stat. 596), relating to the acquisition of stocks of strategic and critical materials for national defense purposes (Rept. No. 2195);

H. R. 7045. A bill for the relief of Dr. Marciano Gutierrez, Dr. Amparo G. Joaquin Gutierrez, and their children, Rosenda, Rebecca, Raymundo, and Marciano, and Mrs. Brigida de Gutierrez (Rept. No. 2196); and

H. Con. Res. 227. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens (Rept. No. 2197).

By Mr. WATKINS, from the Committee on the Judiciary, without amendment:

H. R. 7130. A bill to amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes (Rept. No. 2198).

By Mr. WATKINS, from the Committee on the Judiciary, with amendments:

H. R. 8193. A bill to amend the Refugee Relief Act of 1953 (Rept. No. 2045).

By Mr. McCARRAN, from the Committee on the Judiciary, without amendment:

S. 1708. A bill to amend section 11 of the Administrative Procedure Act, and for other purposes (Rept. No. 2199).

By Mr. McCARRAN, from the Committee on the Judiciary, with an amendment:

S. 521. A bill to amend title 18, United States Code, regarding published articles and broadcasts by foreign agents (Rept. No. 2200).

By Mr. McCARRAN, from the Committee on the Judiciary, with amendments:

S. 19. A bill to suspend the running of the statutes of limitations applicable to offenses involving performance of official duties by Government officers and employees during periods of Government service of the officer or employee concerned (Rept. No. 2201).

By Mr. COOPER, from the Committee on Labor and Public Welfare, without amendment:

S. 3726. A bill granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States and establishing the New England Board of Higher Education (Rept. No. 2202).

PERMANENT PROGRAM OF ASSISTANCE FOR SCHOOL CONSTRUCTION—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF BILL

Mr. COOPER. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 3628) to amend Public Law 815, 81st Congress, in order to provide a permanent program of assistance for school construction under the provisions of such law, and I submit a report (No. 2203) thereon. I ask unanimous consent that the names of the following Senators be added as cosponsors of the bill: Mr. IVES, Mr. COOPER, Mrs. BOWRING, Mr. MURRAY, Mr. HILL, Mr. NEELY, Mr. DOUGLAS, Mr. LEHMAN, Mr. BURKE, and Mr. JOHNSON of Colorado.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the names of the Senators referred to will be added as cosponsors of the bill.

AMENDMENT OF PUBLIC LAW 874, 81ST CONGRESS, RELATING TO THE ELIMINATION OF THE 3-PERCENT ABSORPTION REQUIREMENT—REPORT OF A COMMITTEE

Mr. COOPER. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 3629) to amend Public Law 874, 81st Congress, so as to eliminate the 3-percent absorption requirement, and I submit a report (No. 2204) thereon. I ask unanimous consent that the names of the following Senators be added as cosponsors of the bill: Mr. CLEMENTS, Mr. COOPER, and Mr. JOHNSON of Colorado.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the names of the Senators referred to will be added as cosponsors of the bill.

PAUL A. SMITH, OF THE COAST AND GEODETIC SURVEY—ADDITIONAL BILL INTRODUCED

Mr. BRICKER. Mr. President, by request, I ask unanimous consent to introduce for appropriate reference a bill to authorize the President to place Paul A. Smith, a commissioned officer of the Coast and Geodetic Survey, on the retired list, in the grade of rear admiral—lower half—in the Coast and Geodetic Survey, at the time of his retirement, with entitlement to all benefits pertaining to any officer retired in such grade. I ask unanimous consent that a statement of purpose and need in support of the proposed legislation be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3830) to authorize the President to place Paul A. Smith, a commissioned officer of the Coast and Geodetic Survey, on the retired list, in the grade of rear admiral (lower half) in the Coast and Geodetic Survey, at the time of his retirement, with entitlement to all benefits pertaining to any officer retired in such grade, introduced by Mr. BRICKER (by request), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. BRICKER is as follows:

STATEMENT OF PURPOSE AND NEED IN SUPPORT OF THE PROPOSED LEGISLATION TO AUTHORIZE THE PRESIDENT TO PLACE PAUL A. SMITH, A COMMISSIONED OFFICER OF THE COAST AND GEODETIC SURVEY, ON THE RETIRED LIST, IN THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE COAST AND GEODETIC SURVEY, AT THE TIME OF HIS RETIREMENT, WITH ENTITLEMENT TO ALL BENEFITS PERTAINING TO ANY OFFICER RETIRED IN SUCH GRADE

In August 1954 Capt. Paul A. Smith will have served continuously for 30 years as a commissioned officer in the Coast and Geodetic Survey. He will be eligible for, and has requested, voluntary retirement at that time under the provisions of section 13, act of June 3, 1948 (33 U. S. C. 853*l*). Under authority contained in Private Law 5, 80th Congress, approved May 15, 1947, then Lieutenant Commander Smith was appointed alternate representative of the United States to the Interim Council of the Provisional International Civil Aviation Organization and was promoted to the rank of rear admiral (lower half) effective June 20, 1947. Under authority contained in Private Law 297, 81st Congress, approved October 6, 1949, he was appointed United States Representative on the Council of the International Civil Aviation Organization with the personal rank of minister. He served in this capacity until August 1, 1953, thus completing a period of continuous service in excess of 6 years in the grade of rear admiral.

Captain Smith's appointment to the International Civil Aviation Organization was terminated on August 1, 1953, and he reverted to his permanent grade of commander in the Coast and Geodetic Survey. Since that time he has been promoted to the rank of captain. There is no existing law which specifically covers the retirement of an officer of this service who serves on such special duty for the President. Laws are in effect which provide for the retirement in the highest rank held, permanent or temporary, for officers of this service who were transferred to the Armed Forces, and whose performance of duty was satisfactory, and provided the temporary rank was held prior to June 30, 1946. The law also provides that "any officer who may be retired while serving as Director or Assistant Director, or

who has or shall have served 4 years as Director or Assistant Diector and is retired after completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as Director or Assistant Director" (33 U. S. C., 852b—1948 Supp.).

When the laws were drafted and enacted to cover the retirement of officers of flag rank in this service, no provision was specifically made to cover the possibility that there would be any flag ranks other than those of Director and Assistant Director. It is clearly the intent of the law to provide for retirement in the highest rank satisfactorily held, and with retired pay of that rank, for any officer assigned to duty by the President by and with the advice and consent of the Senate in an office of great responsibility and who serves in that capacity for a considerable period of time. This intent is clearly demonstrated in the provisions of law governing retirement of officers in the highest temporary grades held in the other uniformed services, and in the provision for such retirements for the officers of this service who were transferred to the military departments during World War II.

It is believed that Captain Smith is entitled to retirement at the appropriate time with the rank and pay of rear admiral (lower half) in the Coast and Geodetic Survey, since he has satisfactorily held this rank (as evidenced by a letter of commendation from the President dated July 22, 1953) under Presidential appointment for a period of over 6 years. The Comptroller General has stated under date of June 3, 1954, that his office is not aware of any provisions of law which would permit such retirement; therefore, the proposed remedial legislation is needed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO SUPPLEMENTAL APPROPRIATION BILL, 1955

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page 7, after line 25, insert the following:

"All functions, duties, and authority of the Architect of the Capitol with respect to the Legislative Garage, together with any funds, contracts, authorizations, appropriations, and records of the Architect of the Capitol which are primarily related to and necessary for, the exercise of such functions, duties, and authority, are transferred to the Sergeant at Arms of the Senate and shall be performed, exercised, and administered by him in accordance with the provisions of law relating to the control, supervision, and care of the Legislative Garage. The employees engaged in the care and maintenance of such garage are transferred to the jurisdiction of the Sergeant at Arms of the Senate without any reduction in compensation as a result of such transfer."

Mr. BRIDGES also submitted an amendment intended to be proposed by him to House bill 9936, making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ADDITIONAL MATTER TO BE PRINTED IN THE APPENDIX

On request, and by unanimous consent an additional address was ordered to be printed in the Appendix, as follows:

By Mr. BRICKER:

Address entitled "Japanese Trade Agreement and GATT," delivered by O. R. Strackbein before the International Brotherhood of Operative Potters, at Atlantic City, N. J., on July 8, 1954.

RECESS TO 10 A. M. TOMORROW

Mr. KNOWLAND. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess until tomorrow morning, at 10 o'clock.

The motion was agreed to; and (at 10 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 3, 1954, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate August 2 (legislative day of July 2), 1954:

Tennessee Valley Authority

Herbert Davis Vogel, of Michigan, to be a member of the Board of Directors of the Tennessee Valley Authority, effective subsequent to August 31, 1954, for the term expiring May 18, 1963, vice Gordon R. Clapp, term expired.

Federal Reserve System

C. Canby Balderston, of Pennsylvania, to be a member of the Board of Governors of the Federal Reserve System for the remainder of the term of 14 years from February 1, 1952, to fill an existing vacancy.

Ira A. Dixon, of Indiana, to be a member of the Home Loan Bank Board for a term of 4 years, expiring June 30, 1958, to fill an existing vacancy.

United States District Judges

Hon. W. Lynn Parkinson, of Indiana, to be United States district judge for the northern district of Indiana, to fill a new position.

Cale J. Holder, of Indiana, to be United States district judge for the southern district of Indiana, to fill a new position.

In the Navy

The following-named officers of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor, as provided by law:

George W. Anderson, Jr.	Benjamin E. Moore
Harold M. Briggs	Albert G. Mumma
Henry H. Caldwell	Joseph N. Murphy
Robert W. Cavenagh	Henry S. Persons
Clifford S. Cooper	Paul H. Ramsey
Lawrence R. Daspit	Robert H. Rice
William A. Dolan, Jr.	Walter F. Rodee
Robert B. Ellis	William K. Romoser
Frank W. Fenno, Jr.	Harry E. Sears
William E. Ferrall	Allen Smith, Jr.
Charles D. Griffin	Philip W. Snyder
Miles H. Hubbard	Frederick C. Stelter, Jr.
William J. Marshall	James H. Ward
	George C. Weaver

Postmasters

The following-named persons to be postmasters:

ALABAMA

Lester C. Smith, Sr., Pell City, Ala., in place of N. R. Shockley, resigned.

Ralph D. Buster, Sardis, Ala., in place of W. R. Buster, retired.

ARIZONA

Klyle N. Stall, Chandler, Ariz., in place of E. L. Turner, Jr., resigned.

Paul H. McEwen, McNary, Ariz., in place of H. R. Henderson, removed.

Bertha Bernice Boggs, Waddell, Ariz., in place of L. M. Taylor, resigned.

ARKANSAS

James A. Myover, Cotton Plant, Ark., in place of C. N. Parker, retired.

Robert C. Hixson, Paris, Ark, in place of W. F. Eisken, resigned.

CALIFORNIA

Hazel M. Bailey, Los Alamos, Calif., in place of G. R. Brewington, resigned.

Harry S. Barr, Meridian, Calif., in place of L. M. Burris, retired.

Myrtle D. Jennings, Mount Eden, Calif. Office reestablished December 1, 1953.

Alden H. Stookey, Portola, Calif., in place of J. A. Sheeley, resigned.

Gladys K. Mohnike, Tecopa, Calif., in place of F. A. McQueary, resigned.

Marion E. Underhill, Yuba City, Calif., in place of A. A. McMullen, deceased.

COLORADO

Lloyd R. Swedhin, Buena Vista, Colo., in place of Rose Richards, retired.

Maybelle M. Wright, Erie, Colo., in place of M. J. Brennan, retired.

CONNECTICUT

Joseph Rocco Ferrigno, Meriden, Conn., in place of J. J. Scanlon, resigned.

FLORIDA

William Dale Dunifon, Fort Lauderdale, Fla., in place of A. G. Shand, transferred.

Clyde P. Stickney, Key West, Fla., in place of H. R. Bervaldi, retired.

GEORGIA

Martha E. Priester, Grantville, Ga., in place of J. T. Bohannon, retired.

ILLINOIS

Enid I. Crotchett, Kane, Ill., in place of R. E. Williams, removed.

Salvator R. Forlenza, Park Forest, Ill. Office established January 1, 1954.

Robert F. Herzog, Peru, Ill., in place of C. F. Schmoeger, retired.

INDIANA

Clifford K. Smith, Leesburg, Ind., in place of B. L. Anglin, retired.

IOWA

Buster Davenport, Anamosa, Iowa, in place of C. J. Cash, Jr., removed.

KENTUCKY

Georgia R. Callahan, Canmer, Ky., in place of H. B. Hedgepeth, retired.

LOUISIANA

Ruth T. Hingle, Pointe a la Hache, La., in place of G. C. Dragon, resigned.

MAINE

Helen I. Bennett, Charleston, Maine, in place of M. C. Lord, retired.

Sewall L. Moody, Guilford, Maine, in place of O. M. Fortier, transferred.

MASSACHUSETTS

Donald F. Griffin, Lanesboro, Mass., in place of A. E. Sherman, retired.

MICHIGAN

Lawrence A. Hahn, Au Gres, Mich., in place of M. C. Duby, retired.

Robert J. Price, Baraga, Mich., in place of T. E. Barry, retired.

Walter R. Cremeans, Elmira, Mich., in place of O. M. Martin, retired.

Andrew R. Fuller, Fife Lake, Mich., in place of J. J. Voice, deceased.

Henry A. Torretti, Iron Mountain, Mich., in place of H. A. Torretti, resigned.

Marjorie A. Hershiser, Lake Odessa, Mich., in place of D. M. Gray, transferred.

Marvin D. Cole, Middleton, Mich., in place of P. A. Curtis, transferred.

Shirley E. McBean, Peck, Mich., in place of Lyman Woodward, retired.

Burnetta W. Lawitzke, Port Hope, Mich., in place of H. C. Bunting, retired.

MINNESOTA

Robert J. Talbert, Crystal Bay, Minn., in place of E. T. Swanson, deceased.

Vernon A. Temanson, Greenbush, Minn., in place of Andrew Lubinski, retired.

Ruby S. Lynch, South International Falls, Minn., in place of H. S. Ness, removed.

MISSOURI

Weldon P. Coy, South St. Joseph, Mo., in place of E. C. Buehler, retired.

NEBRASKA

Ivan E. Hiatt, Bristow, Nebr., in place of M. E. Andersen, retired.

William H. Weber, Creighton, Nebr., in place of W. A. Horstman, removed.

Duane M. Vannice, Halsey, Nebr., in place of L. F. Besley, retired.

Clarence O. Rodine, Polk, Nebr., in place of M. P. Westfall, retired.

NEVADA

Bettie J. Nurmi, Austin, Nev., in place of W. B. Collins, resigned.

NEW JERSEY

Lester W. Schroeder, Franklin, N. J., in place of Elizabeth Massey, resigned.

Frank W. Murphy, Paterson, N. J., in place of D. B. Morgan, deceased.

NEW YORK

Leon P. Carey, Woodstock, N. Y., in place of Howard Bell, resigned.

OHIO

August J. Leagre, De Graff, Ohio, in place of P. D. Smith, removed.

Harry A. Titsworth, Fremont, Ohio, in place of L. C. Brokate, resigned.

Earl W. Conner, Waynesville, Ohio, in place of L. H. Gordon, resigned.

OREGON

Albert M. Hodler, Portland, Oreg., in place of E. T. Hedlund, deceased.

PENNSYLVANIA

Earl S. Cummings, Aliquippa, Pa., in place of E. E. Hanna, resigned.

Bruce Crumm, Altoona, Pa., in place of P. V. Tillard, retired.

Kelvin L. Bowman, Klingerstown, Pa., in place of W. H. Davis, retired.

George W. Gunia, Springdale, Pa., in place of E. F. Kapteina, resigned.

William W. Davis, Wilkes-Barre, Pa., in place of E. J. Quinn, deceased.

TENNESSEE

Robert A. Smith, Clinton, Tenn., in place of B. R. Vandergriff, resigned.

Francis M. Bray, Jellico, Tenn., in place of H. H. Hackney, removed.

TEXAS

John W. Veazey, Ben Wheeler, Tex., in place of L. L. Cates, retired.

Rupaco T. Gonzalez, Falcon Heights, Tex. Office established September 1, 1951.

VIRGINIA

R. Frazier Smith, Jr., Covington, Va., in place of T. B. McCaleb, deceased.

WASHINGTON

Wanda G. Wyatt, Union, Wash., in place of H. G. Andersen, retired.

WISCONSIN

William D. Arnold, Lake Nebagamon, Wis., in place of L. J. Drolson, transferred.

SENATE

TUESDAY, AUGUST 3, 1954

(Legislative day of Friday, July 2, 1954)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Rev. Russell Cartwright Stroup, D. D., minister of the Georgetown Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, look with compassion upon these Thy servants, who hold in solemn trust the heritage and hopes of all the people in the land we love. Theirs are burdens too great to be borne save by Thy power. Theirs are problems too perplexing to solve save by Thy wisdom.

Grant, we beseech Thee, to each man strength for his day. Guide all in the way of truth by Thy holy spirit. Vouchsafe to them vision to perceive Thy purpose and the courage to obey Thy will, to the end that as they are blessed by Thee the Nation may be blessed through them. And to Thee we shall give the glory, world without end. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 2, 1954, was dispensed with.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the Speaker had affixed his signature to the enrolled bill (S. 3683) to amend the District of Columbia Credit Unions Act, and it was signed by the Vice President.

LEAVE OF ABSENCE

Mr. BUSH. Mr. President, I ask leave of the Senate to be absent for 24 hours beginning at 3 o'clock this afternoon, to attend the funeral in New York of the wife of my long-time friend and intimate business partner.

The VICE PRESIDENT. Without objection, leave is granted.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following a brief executive session and a quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of executive business to act on the nominations on the Executive Calendar which appear under the heading "New Reports."

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar under the heading "New Reports."

FEDERAL RESERVE SYSTEM

The Chief Clerk read the nomination of Paul Emmert Miller, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve Board for the remainder of the term of 14 years from February 1, 1954.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COMMODITY CREDIT CORPORATION

The Chief Clerk read the nomination of Earl L. Butz, of Indiana, to be a member of the Board of Directors of the Commodity Credit Corporation.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES CIRCUIT JUDGE

The Chief Clerk read the nomination of Elbert Parr Tuttle, of Georgia, to be United States circuit judge for the fifth circuit.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Paul W. Cress, of Oklahoma, to be United States attorney for the western district of Oklahoma.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The Chief Clerk read the nomination of Charles Swann Prescott to be United States marshal for the middle district of Alabama.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. KNOWLAND. Mr. President, I ask that the President be immediately notified of the nominations confirmed today.

The VICE PRESIDENT. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. KNOWLAND. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

CALL OF THE ROLL

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.